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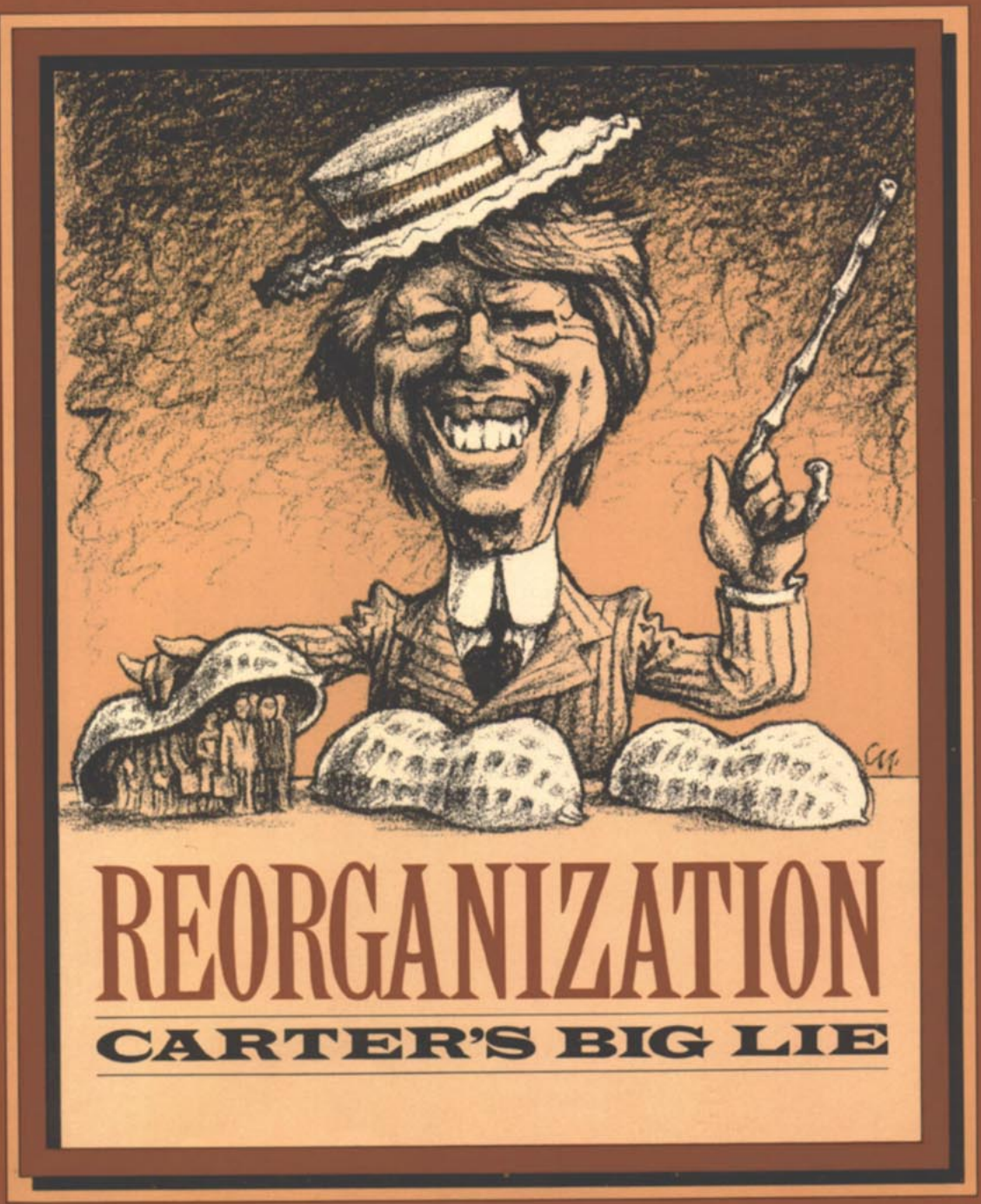

REORGANIZATION

CARTER'S BIG LIE

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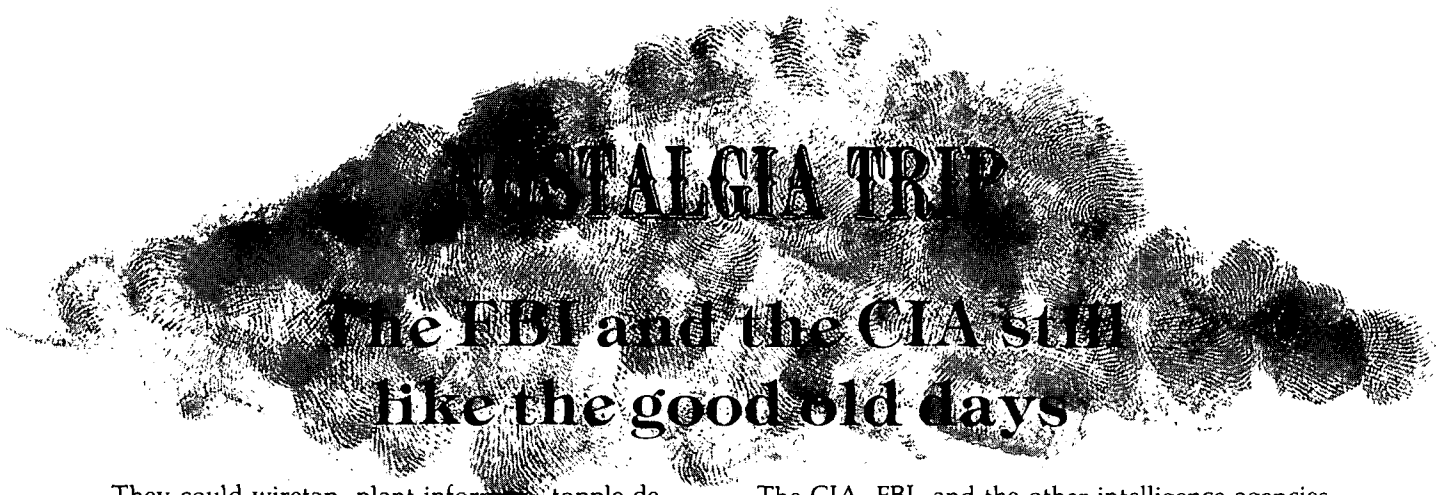

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WELL INTO THE SECOND year of his presidency, Jimmy Carter has given no real indication that he intends to keep the fundamental promise of his campaign—government reorganization. In fact, as Marjorie Boyd establishes beyond reasonable doubt in this issue's cover story, reorganization is little more than a shell game: "The evidence mounts," writes Boyd, "that what Carter is seeking is an illusion of government reorganization rather than the real thing."

Reorganization: Carter's big lie

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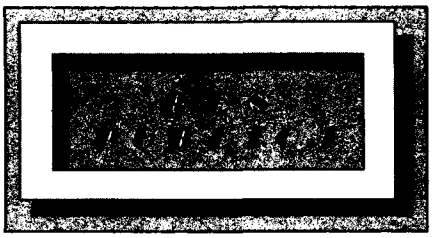

What we want to know is, Who comes after Magnuson?

■ The high point of [Carter's] trip was a visit to Spokane, Wash., at which Mr. Carter received a tumultuous welcome from a crowd of 20,000 people. The demonstration had been organized by Senator Warren G. Magnuson, Democrat of Washington, who will soon become president pro tem of the Senate, third in line of succession to the Presidency. . . .

"I wouldn't want anything to happen to the President of the United States, even though I might be in some line of succession," he told the crowd at Riverfront Park. "It probably will never happen, but it's nice to think about, anyway."

—New York Times, May 7, 1978

But what about noise pollution?

■ The Carter Administration has asked Congress to approve funds to develop a new nuclear bomb. . . . The new bomb, called the RRR bomb for "reduced residual radiation" by the Pentagon, would be used to demolish structures, dig craters or destroy mountain passes, tasks once assigned to the atomic demolition mines in the nuclear stockpile.

"This is the original idea of a 'clean bomb,'" a government nuclear weapons expert said Friday. "It is a blast weapon designed to create a minimum amount of fallout . . . and suppress irradiation of the soil."

During the neutron weapons debate, government spokesmen described that weapon as "clean" because it cut down on blast and heat, producing instead greater radiation.

—Los Angeles Times, Apr. 30, 1978

What human rights means to me, by Jimmy Carter

■ After General [Carlos Humberto] Romero took office here [in El Salvador] last July, after elections five months earlier that are widely considered to have been fraudulent, Washington withheld its approval of a $90 million Inter-American Development Bank loan for a major dam . . . But when the Government responded by permitting some protest marches and strikes and by arguing that the real violators of human rights here were leftist guerrillas, Washington reacted sympathetically and approved the loan. . .

Within one month, saying that it needed stronger legal instruments to combat terrorism, the Government adopted a sweeping "law to defend and guarantee public order," which authorized it to ban public assemblies or political meetings, to break up strikes and to jail anyone criticizing the Government.

The day after the law was approved, the new United States Ambassador here, Frank J. Devine, . . . stated: "We believe any government has the full right and obligation to use all legal means at its disposal to combat terrorism."

—New York Times, May 8, 1978

Oh well, then, let's get on with it

■ It's inaccurate thinking to say that the use of nuclear weapons would be the end of the human race. That's an egocentric thought. Of course, it's horrendous to contemplate, but, in strictly statistical terms, if the United States used up all of its arsenal in the Soviet Union and the Soviet Union used up all of its against the United States, it would not be the end of humanity. That's egocentric. There are other people on the earth. I don't know if it's a good thing or a bad thing to say that this notion is wrong, but I know it is wrong factually.

—ZBIGNIEW BRZEZINSKI, in the New Yorker, May 1, 1978

Lost in the shuffle

■ The Department of Health, Education and Welfare misspent $6.3 billion to $7.4 billion in fiscal 1977 due to waste, fraud and abuse, its Office of Inspector General said Monday.

—Los Angeles Times, Apr. 4, 1978

Oh, shut up, Lowell

■ At a Washington party celebrating Israel's 30th birthday, Senator Lowell Weicker (R.-Conn.) told the audience: "We know from history that time and again, when national leaders ran into difficulties, they found it convenient to blame their problems on Jews. If there is a meaningful distinction between those historical proclivities and the signals which National Security Adviser Zbigniew Brzezinski is sending today, I don't know what it is."

—Los Angeles Times, May 10, 1978

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Who's responsible here?

The courts on a bender

ABOUT TWO YEARS AGO, A MAN named James Coulter went to a party that was being given in the recreation room of an apartment complex in Foster City, California. When Coulter left the party, he caught a ride with a woman named Janice Williams, who, according to later descriptions, had consumed "extremely large quantities" of alcohol. To be frank, Ms. Williams was quite drunk. And on the way home she ran her car into a road abutment, seriously injuring Coulter.

Subsequently, Coulter and his wife sued for $1 million in damages. But if you think they sought to recover this amount from Ms. Williams, the driver of the car, you are mistaken. Named as defendants in the Coulters' lawsuit were the owners and the manager of the apartment complex, who hosted the party. The Coulters charged that they shouldn't have permitted Williams, who customarily "drank to excess" and was "incapable of exercising the same degree of volitional control over her consumption of alcoholic beverages as the average reasonable person," to get so plastered.

And, if you think that upon hearing this plea, the court threw the case out as an insult to its intelligence, you are wrong again. As a matter of fact, on April 26 of this year, the California Supreme Court ruled in favor of the Coulters. "A social host, who furnishes beverages to an obviously intoxicated person, under circumstances which create a reasonable risk of harm to others," declared the court, "may be held legally accountable to those third persons who are injured when that harm occurs." In other words, if you have a party in California and one of your guests gets drunk and runs into someone on the way home, you can probably be held responsible. And if you think that is preposterous, you're right.

Actually, the recent California court decision is only an extension of a 1971 ruling by the same court—*Vesely* v. *Sager*—which held that a tavern owner can be held responsible for the actions of intoxicated persons. (Over 20 states have laws of one sort or another that hold commercial vendors responsible; to date, the only states, besides California, that hold hosts responsible are New Jersey, Iowa, Minnesota, and Oregon.) According to the California Supreme Court, the step from commercial to noncommercial vendors was a small and logical one. As far as that goes, the court was correct; if one ruling makes sense, so does the other. But that is not the same as saying that either does. The absurdity of both rulings becomes unmistakable when one stops to consider the next logical extension of the doctrine. As one enthusiastic supporter of the *Vesely* decision wrote in the *Santa Clara Lawyer*, a California law review, "Social policy and fundamental tort doctrine demand an expansion of existing liquor vendor law to afford protection to *intoxicated vendees as well as to innocent third parties* sustaining injuries as a result of the vendees' intoxication."

Clearly, something very alarming is taking place in the area of the law that deals with damages. And, as we shall see, these changes in the law point to certain philosophical attitudes that are all the more alarming because they are so fashionable in some quarters.

Before 1971, California courts uniformly held that a person who furnished alcohol to another was not responsible for the second person's actions. As one California court stated then, "it is the voluntary consumption, not the sale or gift, of intoxicating liquor which is the proximate cause of injury from its use . . ." This was, in fact, in accordance with the common law of the preceding several centuries. Then, in 1971, the California Supreme Court handed down the *Vesely* decision. In large part, that decision was based on a new definition of "proximate cause":

> Insofar as proximate cause is concerned, we find no basis for a distinction founded solely on the fact that the consumption of an alcoholic beverage is a voluntary act of the consumer. It is clear that the furnishing of an alcoholic beverage to an intoxicated person may be a proximate cause of injuries by that individual upon a third person.

The court also justified its decision in terms of "duty." ("Did defendant Sager owe a duty of care to plaintiff or to a class of persons of which he is a member?" asked the court rhetorically. Yes, answered the court.) In fact, declared the court, the "central question" in the case was not one of proximate cause, "but rather one of duty." However, it should be clear that the court's reworking of common law is based on a radical redefinition of the phrase, proximate cause. And this, in turn, would not have been possible without a corresponding redefinition of the nature of man.

If all this sounds a bit weighty for a discussion of drunk driving, we can only apologize. However, to the extent that common law has for centuries been a repository and a reflection of our civilization's basic assumptions about the nature of justice, any significant change in that law is obviously noteworthy. In this instance, the underlying question at issue is, Who is responsible for a person's actions? Traditionally, we have held to the belief—the necessary assumption—that ultimately every man or woman is responsible for his or her behavior. Today, this traditional view has fallen out of favor in many places. As Thomas Szasz has pointed out, "with the transformation of the religious perspective on man into the scientific, and in particular into the psychiatric . . . there occurred a radical shift in emphasis away from viewing man as a responsible agent acting in and on the world and toward viewing him as a responsive organism being acted upon by biological and social 'forces.'"

The results, as we can see, are legal absurdity and moral chaos. ❧

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Tax revolt in the making

THE PROGRESS OF LIBERTY HAS always owed a great deal to tax protests. John Hampden's refusal to pay ship money played an important role in bringing down Charles I, and the rejection of new taxes by the parlement of Paris led to the fall of the Old Regime. In our own history, hostility to taxes had more to do with the American Revolution than the organizers of the Bicentennial celebration thought it advisable to remind us of. Now there are signs that, under the aegis of a protest against taxes, Americans may be about to take another great leap forward toward a less government-ridden society.

In the fiscal year that ended last June, state and local taxes rose to $175 billion; for a decade and a half, they have been increasing at the incredible rate of 14 percent a year. It is these taxes that are the current focus of citizens' anger across the country. In Tennessee a tax-limitation amendment has already been approved by the voters (by a 2–1 majority); and in Massachusetts more than enough signatures have been collected to put a similar proposal on the ballot in 1980. In Illinois last year the mood was much more radical, as outrage at skyrocketing property taxes led to vows to hold back payment and to mass meetings at which taxes per se were branded as "immoral."

At the moment, the center of the tax protest movement is California. Predictably, the Jarvis-Gann tax-limitation initiative provoked something close to panic among those who make a living from collecting and distributing taxes and from their clientele. A grand coalition of state employees associations and big business [*INQUIRY*, May 15, 1978] bankrolled a barrage of television and radio commercials against Proposition 13. New scare tactics were reported daily in the California press. Conditional lay-off messages were sent to two-thirds of the employees of the Los Angeles unified school system; in Marin county, they were sent to all 1650 of the county's employees. In Oakland, signs were erected at libraries, putting greens, and even the zoo warning that if Proposition 13 were adopted, the facility would be closed.

As the tax establishment grew desperate, it resorted to "dirty tricks." Postcards were sent to 400,000 older citizens by the state taxing agency, informing them—incorrectly and probably illegally—that "new benefits" would be withheld if Proposition 13 passed. The wording of the proposition on the ballot gave the impression that Jarvis-Gann might *increase* property taxes. And the state chairman of the Democratic Party, Bert Coffey, tried to concentrate attention on the personal past of Howard Jarvis, a curmudgeonly old-line rightwinger. But in a state where older couples and female-headed families are finding that they must—literally—sell their homes to pay their property taxes, it is doubtful that Jarvis's past foibles were viewed as the chief issue at stake.

This new resentment over taxes is at least partly a result of a growing disenchantment with the "services" government provides in return for the money it takes. For example, while the police continue to channel an enormous proportion of their efforts into the futile crusade to keep people from indulging their peaceful habits, statistics for real crime—and the distress and tragedy they stand for—continue to rise. Citizens increasingly see welfare programs as doing more to raise the living standards of middle-class social service professionals and bureaucrats than to help the poor. And the public school system—which takes an average of 60 percent of property taxes across the country—has been battered from every side: all the way from scholars, who have concluded that it is, and always has been, a vast engine of social control and homogenization, to inner-city parents, who are enraged that the inability of the public schools to teach elementary skills adds yet another handicap to their children.

Thus, the operations of government are being demystified; the closer people look at what is being done with the huge sums taken from them, the angrier they get. And over the whole scene hovers the specter of a great nationwide tax revolt. "There already is a lessening of the sense of responsibility for the payment of taxes," complains Mortimer Caplin, former head of the IRS. "I have always pooh-poohed talk of tax revolts, but I don't feel that confident any more." In county, city, and state offices around the country, there must by now be many tax men who are increasingly less confident, as they begin to face the stark question: What if they sent out the tax bills—and nobody paid? ❏

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NAT HENTOFF

The doctrine of vicarious responsibility

THE CASE CONCERNS A TELEvision drama, but I first heard about it from the American Library Association's paladin of free speech, Judith Krug: NBC was being sued for $11 million in damages by a child and her mother because, they claimed, the child had been sexually assaulted by four teenagers who were "incited" to do it by a scene in a two-hour television show, "Born Innocent."

"This goes way beyond television," Judith Krug said. "If a negligence suit can be successfully brought against a network or a station because a random viewer committed a crime as the alleged result of seeing something on the air, the same doctrine can be applied to newspapers, magazines, book publishers—and libraries. There isn't a library in the country that would be able to defend everything in its collection through the prohibitively expensive process of jury trial after jury trial. Even if we won case after case, we'd go bankrupt. The other route would be self-censorship—acquiring only books that are entirely 'safe.' And you couldn't be absolutely sure about them either."

"Damn right," said another librarian. "Who knows *what* turns a psychopath on?"

At the time, I asked several First Amendment lawyers about the case, and they thought the librarians were somewhat overwrought. "It'll never get to trial," one vastly experienced attorney said. "NBC will move for summary judgment and the court will throw out the suit as a flagrant violation of the First Amendment. I mean, it would be like a jewelry store owner suing the *New York Times* because he had been burglarized in a particularly ingenious way by someone who had read about that *modus operandi* in a *Times* story about another burglary."

On August 1, however, a jury trial of Olivia Niemi's landmark negligence suit against NBC will indeed begin in California Superior Court. The decision to go ahead with a trial had been made by a California court of appeals; and on April 24, the United States Supreme Court refused to review that ruling. Only Justice William Brennan wanted to hear the case.

This does not mean that the Supreme Court might not eventually hold that the First Amendment prevents Olivia Niemi from punishing a television network because of what some third party did to her as a result of seeing a particular program. It would appear that the Court did not grant a review at this point, primarily on procedural grounds. But during the long passage of time and expensive trouble before the case goes back to the

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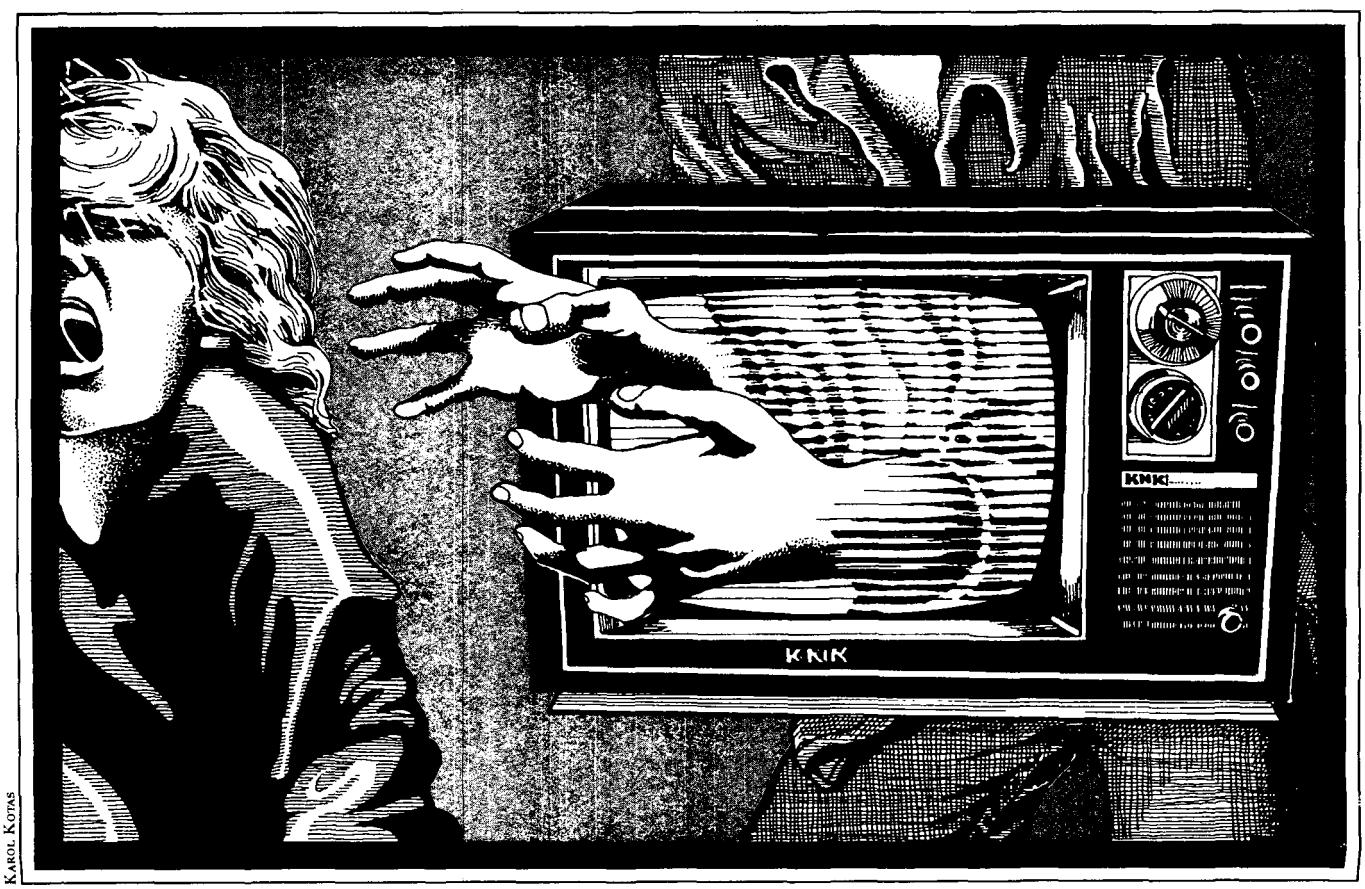

KAROL KOTAS

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Court—after trial and appeals—there will be growing apprehensiveness in all the media.

"It still seems inconceivable to me," says a First Amendment scholar, "that NBC will not eventually win. But the inconceivable is not impossible—as we have found out in certain previous court decisions."

An index of the rising alarm is that NBC—in its unsuccessful appeal to the Supreme Court to avoid a trial—was joined in amicus briefs by CBS, the Motion Picture Association of America, the National Association of Broadcasters, and the American Library Association. On the other side was the California Medical Association, which is the largest assemblage of doctors in any state. Said that body: "The health and welfare of our society demand that broadcasters be accountable for their programming."

And if broadcasters are to be accountable for the health and welfare of all their viewers and listeners, why not newspaper and magazine reporters, novelists, and comic strip artists?

A FURTHER INDICATION OF the seriousness with which the suit is being taken by the defendants has been the hiring of the nation's leading First Amendment lawyer, Floyd Abrams, to try the case. His formidable adversary will be Marvin Lewis, a veteran collector of abundant damages in personal injury cases who characterizes himself as "a specialist in trauma of the psyche."

"I'll give you an idea of what we're up against," a member of NBC's legal team told me. "Some years ago, this guy Lewis won $50,000 for a girl injured in a trolley car accident. He claimed she later became a nymphomanic as a result—and the jury believed him!"

Abrams, on the other hand, is a master interpreter of constitutional law. Although the niceties of constitutional law are not likely to keep a jury's attention, Abrams is resourceful, quick, and a sharp counter-puncher. So, with Lewis and Abrams facing off against each other, this could be one of the more interesting courtroom battles in many years.

Before the facts and the constitutional issues get away from us all as these knights of the law joust in the California courts, allow me to set the scene.

On September 10, 1974, "Born Innocent" was shown on NBC affiliate KRON-TV in San Francisco. It started at eight in the evening, a time when it is reasonable to assume sizable numbers of young people would be watching the screen. The film is about an adolescent girl and the damages done her by having become a ward of the state. In one scene, she is shown undressing and then stepping into a shower. A few moments later, the water stops, and the girl sees four other girls standing across from her in the shower room.

At this point, I will let the California Court of Appeals (First Appellate District, Division Four) take over the narrative:

> One of the girls is carrying a "plumber's helper," waving it suggestively by her side. The four girls violently attack the younger girl, wrestling her to the floor. The young girl is shown naked from the waist up, struggling as the older girls force her legs apart. Then, the television film shows the girl with the plumber's helper making intense thrusting motions with the handle of the plunger until one of the four says, "That's enough." The young girl is left sobbing and naked on the floor.

Four days later, Olivia Niemi (then nine) and a friend were playing at a beach in San Francisco. Four older girls attacked Olivia, stripped away her bikini, held her down, and one of them "artificially raped" her with an empty coke bottle.

On October 9, 1974, Olivia Niemi filed a complaint in the Superior Court of California in which she claimed that her attackers had seen "Born Innocent" and that the "artificial rape" scene in the film had "caused them to do a similar act" to her. Accordingly, NBC was charged with having "negligently, carelessly and recklessly" allowed the program to be telecast to the public in the evening when youngsters would be likely to watch it. Moreover, NBC "knew or should have known that the minds of minors are impressionable and that broadcasting such a scene could cause some minors to imitate such conduct."

A complicating note: It is the belief of one of NBC's attorneys that the girls who attacked Olivia did *not* see the program. And, he says, they have so stated in depositions. However, a park officer is certain that the girls told him they *had* watched "Born Innocent." "Suppose," says this lawyer, "we can convince the jury that they didn't see the film. That way we can win. But it would be a lousy victory because it won't resolve the constitutional issue. And we'll get another negligence suit and another. I'd just as soon face it down. But on the other hand, you have to do the best you can for your client."

With lawyers like Lewis and Abrams facing off against each other, this could be one of the more interesting courtroom battles in years.

My own long-distance guess is that the astute Marvin Lewis would not have gone this far with the case if he weren't confident he could establish that the artificial rapists did see "Born Innocent." But, of course, we shall find out in the courtroom.

THREE YEARS INTO THE serpentine legal skirmishes attending *Olivia Niemi* v. *National Broadcasting Co.*, Marvin Lewis was delighted to announce that in a reformatory in the state of Washington, female inmates had been engaged in an initiation rite climaxed by a broomstick rape of a hapless new arrival. Where had they gotten the idea? From "Born Innocent," they told police. You see, said Lewis, "It's not just a theory anymore. It's proof positive" of the culpability of the media.

(I can tell Lewis about another linkage he might want to use in court. On March 25, 1978, a "Kojak" episode was shown on CBS-TV's New York affiliate. In it a male adolescent was hired by a most unsavory adult to kill a man. The youngster was told that because of his age, he'd get off easy if he was caught. On March 30, in real life, New York City police picked up the alleged contract murderers of a Bronx

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Lewis is likely to argue that since this case is about television, alarms raised by other media are irrelevant; television is already partially regulated.

numbers racketeer. They were 13 and 14. These kids told the cops that the man who hired them said he had gotten the idea from the very same "Kojak" episode. And, as on television, he had told his recruits that because of *their* ages, they didn't have to worry about extended punishment if they were apprehended.)

In any case, Marvin Lewis—ready to open boundless new territories for negligence claims—was eager for trial. Among other things, he would instruct the jury that, as he was later to say in an appeal brief, "The Niemi girl" has suffered "a very serious injury . . . which is probably going to affect her sex life in the future."

Justly sufficient compensation for such a trauma, the argument would further imply, is not beyond the means of the corporate behemoth of which NBC is a part.

At first, however, there was no trial. Before a jury was impaneled, Superior Court Judge John Ertola decided that first the constitutional issues had to be resolved. And so the judge saw "Born Innocent" and found it to be "fully protected by the First Amendment." Ertola's opinion ended with a fanfare: "The State of California is not about to begin using negligence as a vehicle to freeze the creative arts."

Ertola's decision was reversed by the Court of Appeals, First District, which said there were issues of fact, as well as of constitutional law, to be determined. Olivia, therefore, has the "right to present before a jury evidence which she contends will show that, despite *First Amendment protections*," the presentation of "Born Innocent" "resulted in actionable injuries."

One issue of fact for the jury to determine, said the court of appeals, is whether or not the program advocated or encouraged "violent and depraved acts." If this kind of "incitement" could be proved, then it might overweigh these First Amendment protections since "the freedom of speech guaranteed by the First Amendment is not, of course, absolute." Let us bring in the jury and start to find out.

It was this court of appeals decision that the United States Supreme Court refused to review.

At the core of the forthcoming court battle in California, however, is the deeply chilling fact that until now—as the American Library Association has pointed out—"No limitation on First Amendment rights heretofore recognized has involved the imposition of . . . vicarious liability for the unintended and uncontrollable response of a third party to what is said, written or shown."

After all, the ALA continues, "The history of man since Cain slew Able is in no small measure a history of crimes against individuals, against families, against nations, and against humanity. Thus, it is inevitable that the records of such history, written and pictorial, are replete with scenes of rapine, murder, and mayhem." And if one of those scenes somehow triggers a reader or viewer to commit a crime, punishing the creator or distributor of that scene freezes speech and press.

My God, says the ALA in one of the briefs it has filed in this case, "The First Amendment was not designed to protect only that speech which is fit for psychopaths to hear."

MARVIN LEWIS, ON THE other hand, will have his own powerful arguments. First of all, he will have Olivia Niemi and her mother on the stand. He is also likely to emphasize that since this case is about a *television* show, all the alarms raised by other media are irrelevant. Television, he will point out, is already partially regulated as to content (the Fairness Doctrine, among other rules). It has even regulated itself on the very subject matter of this case—the "Family Hour," a recognition by the networks that children *can* be harmed by certain kinds of programs. And it is only fitting that television have fewer First Amendment rights than other media because, as Lewis has said, television has "far more impact . . . than does the printed word."

In view, then, of the particular nature and legal history of television, and of the facts of this case—Mr. Lewis may well say in summation—what is more logical and just than a decision for Olivia? For indeed, Lewis has already declared, "the First Amendment is not a defense to a negligence action." And nothing in this suit calls for "any prior restraint or for any repression or censorship involving broadcasting." This is a suit for *damages*, and this girl would not have been damaged if NBC had not put "Born Innocent" on the air. The San Francisco affiliate is licensed, and thereby "certainly has a duty to the public" not to broadcast harmful materials.

Some months ago, I told Lewis's adversary, Floyd Abrams, about a concurring decision by William O. Douglas in an obscenity case concerning John Cleland's eighteenth-century novel *Fanny Hill (Memoirs of a Woman of Pleasure)*. Douglas had quoted with libertarian relish from a law review article on certain kinds of "incitement":

> Everything, every idea, is capable of being obscene if the personality perceiving it so apprehends it. It is for this reason that books, pictures, charades, ritual, the spoken word, *can* and *do* lead directly to conduct harmful to the self indulging it and to others. Heinrich Pommerenke, who was a rapist, abuser and mass slayer of women in Germany, was prompted to his series of ghastly deeds by Cecil B. DeMille's *The Ten Commandments*. During the scene of the Jewish women dancing about the Golden Calf, all the doubts of his life came clear: Women were the source of the world's trouble and it was his mission to both punish them for this and to execute them. Leaving the theater, he slew his first victim in a park nearby.

Another illustration culled by Justice Douglas:

> John George Haigh, the British vampire who sucked his victim's blood through soda straws and dissolved their drained bodies in acid baths, first had his murder-inciting dreams and longings from watching the "voluptuous" procedure—of an Anglican High Church Service!

Should Floyd Abrams entertain the jury with these examples of how inciteful *any* idea, *any* scene can be—quite beyond the intent, let along the imaginings of its disseminators—what effect do you suppose this might have on their decision? With thirteen-year-old Olivia Niemi sitting there in the room.

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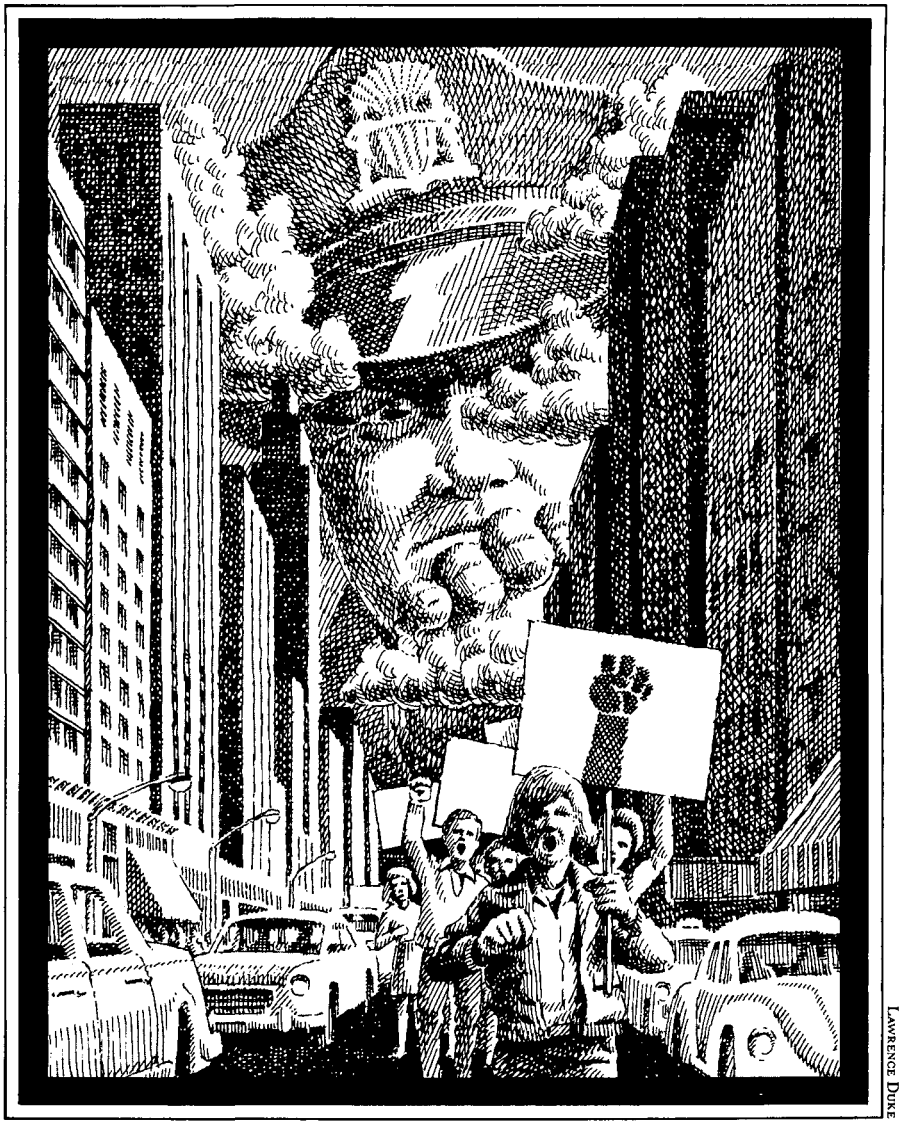
ROXANNE PARK

Police spying in Seattle



LAWRENCE DUKE

SEATTLE'S REPUTATION AS one of the country's most "livable" cities has been tarnished by the recent revelation that its police force has spied on local political activists for more than 20 years. During the 1960s and early 1970s, Seattle's police intelligence unit collected over 1000 files on law-abiding citizens and community organizations. And despite assurances from the police that political spying stopped in 1975, the practice continues today. This came to light in April, when a lawsuit forced the intelligence unit to release files that show it has been monitoring the movements, activities, and opinions of members of the local chapter of the National Lawyers Guild. Ironically, the Lawyers Guild is one of the groups that make up the local Coalition on Government Spying, an organization that has been leading the struggle to abolish police spying in Seattle.

Originally titled the Subversive Activities Unit, Seattle's police intelligence squad was formed in 1956, ostensibly to combat organized crime. For many years the police department played down its existence; according to Lieutenant Lee Bartley, current unit commander, Seattle did not want to advertise that there was organized crime in the area. When the unit did catch the public's attention, it was because the squad—as its official name suggests—collected political intelligence, not data on organized crime.

In November 1975, reporters uncovered lists of 150 subjects whose files were to be purged from police records. Among those the police had singled out for investigation were American Civil Liberties Union members, school board activists, several present and former city officials, businessmen, and organizations such as the Washington Democratic Council, the Seattle Crime Prevention Commission, and the Seattle Council of Churches.

Recent testimony before the Seattle City Council makes clear that the police required no evidence of criminal violations to open investigations of politically active citizens. A newspaper article linking an individual's name to a political movement was often sufficient grounds for starting an intelligence file. "Part of our obligation is to take the unknown, write it down, and then investigate," explained Lieutenant Ron Noble, former commander of the intelligence unit. Admitting that they had "over-reacted" in the past, the police now try to minimize the significance of the files; the majority of the 1000 files were merely "names scribbled on folders as reminders to look at them later," Noble said.

However, new evidence proves that the police have spied far more extensively than they have been willing to admit. The 78-page file released to the Lawyers Guild in April reveals that from 1975 to 1977 the police used informants, photographs, physical surveillance, and computers to monitor the guild. The file's entries concern the guild's fund-raising benefits, leaflet distributions, peaceful demonstrations, national guild conferences, and educational events (including a showing of a film on police spying). The file also contains personal information on guild members, including a background investigation of a guild member who criticized the grand jury system in a letter to a local paper. What other information the police may have collected is as yet unknown: large sections of the file are deleted because the police want to protect their informants or because the material refers to other persons or organizations.

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THE INTELLIGENCE ABUSES discovered in Seattle are "typical examples" of the practices of urban police departments, according to Jerry Berman, legislative counsel of the ACLU. "The police use their intelligence mechanism to disrupt and chill political activism and free speech. Unless we can freely debate the issues of the day without living in fear that the police are gathering information which could be used for future harassment, then we lose our democratic rights . . . and none of these issues can be resolved in a democratic way."

To combat these dangers, in September 1976 the local chapters of the American Friends Service Committee, the ACLU, and the National Lawyers Guild organized the Coalition on Government Spying. This organization has had the support of the national American Friends Service Committee, which chose Seattle as one of six sites for police intelligence projects, and it has had the encouragement of many opponents of police spying. "Seattle is extremely important right now," says Morton Halperin, director of the Project on National Securities and Civil Liberties in Washington, D.C. "Some city has to take the responsibility to set the precedent for legislative controls. Several other cities are now watching to see what Seattle does."

The police have spied far more extensively than they have been willing to admit, using informants, photos, surveillance, and computers to monitor dissidents.

The coalition has had to fight an uphill battle. In October 1976, in response to public pressure, the city released two official reports on the police intelligence unit, but neither answered the questions the coalition had raised. In its review of the unit's activities, the city's Office of Police Planning admitted that it "did not know how the unit operates on a day to day basis," "if what the unit does in all cases makes a great deal of sense," or even "if all the detectives assigned to the unit are putting in forty hours of productive time each week." Nevertheless, it managed to conclude that "the risks associated with intelligence gathering . . . are acceptable if we agree that the spread of organized criminal activity is dangerous in the context of public safety."

The reports were lambasted as whitewashes by the ACLU, and the *Seattle Post-Intelligencer* editorialized: "The effort had all the hallmarks of a whale struggling to birth a minnow."

IN THE SPRING OF 1977, ABOUT 60 individuals and political organizations requested to review their intelligence files. The police denied having files on most of them, and refused access to those files that existed on the grounds that "non-disclosure is essential to effective law enforcement." The coalition, representing 36 individuals and six organizations, then filed suit against the Seattle police department, claiming that under the state public disclosure law the plaintiffs had a right to view these public records.

During lawsuit discovery proceedings last fall, the police were forced to reveal that some of the plaintiffs are in fact under current investigation by the intelligence unit: three organizations (AFSC, the Lawyers Guild, and El Centro de la Raza, a Chicano group) and 15 individuals. In April the judge ordered the police to divulge the contents of three plaintiffs' files, including two individuals and the Lawyers Guild. After reviewing these files, the judge will decide whether the remaining files must be released, and if deletions to protect informants and other individuals will be permitted.

Police spokesman Tim Burgess defended these current investigatory files to the press, saying they were maintained because the subjects had been either convicted of a criminal activity, or "it is anticipated that they will be involved in a criminal activity, a high probability of it, almost probable cause." Required to cite specific reasons for not disclosing these files to the plaintiffs, the police claimed in almost every case that it would be "detrimental to the safety of an informant."

(When Ann Sever, AFSC's regional executive chairwoman, learned this rationale was used for AFSC's file, she called a press conference. "Does this mean there are informants in our organization? If so, we are outraged at this violation of our privacy and organizational integrity." Although in an interview Lieutenant Bartley denied that his unit relied on clandestine investigative techniques, its manual of operative procedures tells another story: "Essential coverage of various organized crime elements is impossible without covert penetration. Apprehension, repression or restriction of criminal activities require sources of information often available only through informants." According to Major McCready, head of Inspectional Services for the Seattle police department, the intelligence unit spent $8693 for informants in 1976 and $6287 in 1977.)

The lawsuit also has revealed that the intelligence unit now has 3546 names in its Master Index file. Because that figure includes some cross-indexing, exactly how many individuals are represented is unknown. Claiming that it would require hundreds of hours of hand-sorting, the police have refused to even estimate the figure. Coalition lawyer Jim Douglas hopes to convince the court to require their cooperation. "The public disclosure law," Douglas said, "is not calculated to reduce inconveniences to a bureaucracy, but rather to enable people to get to any and all documents they are entitled to under the law."

*IN ADDITION TO THE LAW-*suit, the coalition has focused its efforts on pressuring the Seattle City Council to pass legislation controlling the intelligence unit. The impetus for passing effective legislation was boosted last fall when newsman Charles Royer, himself a former subject of an intelligence unit investigation, was elected mayor. Following through on his campaign promise to limit police discretion in intelligence operations, in April, Royer introduced legislation which is supported by the coalition.

His proposed ordinance would prohibit the police from spying upon or harassing lawful political action. The police would still be allowed to investigate the lawful activities of individuals who they believe have been involved in

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a specific crime. Investigations lasting longer than a week would require the approval of a unit supervisor and a written statement that the officers were not engaged in political spying; the police chief would have to approve investigations that continued more than 90 days. If after six months the investigation did not lead to convincing evidence that an individual committed a crime, the file would be closed and sealed.

To assure compliance, the ordinance would demand a paper trail of all investigatory material and an independent audit every six months by an outside agency. Citizens would be guaranteed access to their files, and there would be civil and criminal penalties for violators.

An important provision of the proposed law is its section dealing with "future crimes." The police have often rationalized political spying under the guise of investigating "crimes in the making." For example, in a 1974 budget request, the Seattle police chief wrote: "Individual (dissident) groups cannot be labeled as violent or nonviolent in nature. The slightest change in local or national policy can cause the most passive organization to become a violent one overnight." But according to Jerry Berman of the ACLU, "The record shows that the effort to anticipate or prevent political violence by investigating lawful political activity has often led to abuses." Berman and the members of the Seattle coalition believe that violence associated with political terrorism should be covered by regular criminal investigation rather than intelligence operations. Thus, under the proposed ordinance, a judge's approval would be required for investigations of "crimes in the making."

Berman emphasizes that the police intelligence function was most abused during the intense political activity of the 1960s and early 1970s. "Secret police activities were growing by leaps and bounds then, and they can start growing again at any time," Berman warns. "The next time they will be armed with even greater technology for surveillance, and they will be ever better organized."

Because this is not a period of major political protest, coalition member Betty St. Clair believes there is now a "unique opportunity to define the police intelligence function and place strict controls on it."

"This is not merely a good time for legislation," she added. "It may be the only time." ❑

BARRY LYNN

Hobbling the right to petition

REPRESENTATIVE DON EDwards (D.-Ca.) called it "the worst legislation I have seen in my 15 years in Congress." Representative Barbara Jordan (D.-Tex.) said some of its provisions "turn the Constitution on its head." On the other side of the political aisle, Representative Charles Wiggins (R.-Ca.), one of the last defenders of the Nixon presidency, noted that the bill "has placed excessive burdens upon the right to petition the government for redress, the right of privacy, and the right to speak."

Warned that this bill would cut constituent mail in half, House members gave the unmistakable impression that they would be delighted to hear less from voters.

The bill they were describing is a relatively obscure measure called the Public Disclosure of Lobbying Act, which passed the House late in April on a 259–140 vote, and is now headed for action in the Senate. As its title implies, the bill revises the 1946 law on lobbying. Currently, individuals and organizations whose "principal purpose" is to influence legislation through "direct communication" with members of Congress must register with the government and report certain expenditures. But the new legislation would vastly extend the scope of the lobbying laws to cover almost any organization with an interest in federal legislation. And according to the bill's opponents, among whom are such unlikely allies as major corporations, environmental organizations, and civil rights groups, the measure will put heavy burdens on citizens who wish to exercise their rights to express themselves on pending legislation.

A few organizations (and a majority of House members) feel differently. Common Cause President David Cohen contends that it is absolutely critical for the public "to see who the lobbyists are and where they're spending their dollars." For example, Cohen is disturbed that in 1977 Mobil Oil spent $4 million, none of which was reported as "lobbying" expenditure, for an advertising campaign aimed at getting citizens to clip coupons registering their views on energy policies. The company currently has no obligation to report such public relations campaigns, but Cohen wants to change the law so that groups must report much more information about all kinds of activities that might influence public policy.

Common Cause almost single-handedly pushed the lobbying bill through the House (with belated assistance from the AFL–CIO and the White House). The version of the bill reported out of the House Judiciary Committee in February requires the registration of any organization that employs one person who spends any part of 13 or more days of a quarter in "lobbying communications"; the same provision applies to any group with two employees who devote any part of seven days to lobbying, and thereby spend $2500. ("Lobbying communications" are defined to include any oral or written communication with members of Congress, their staffs, or top executive branch officials with the intent of

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influencing legislation.) Because groups must account for all costs attributable to influencing legislation—printing, mailing, salaries, telephones—the $2500 threshold will be easily crossed.

To assure compliance, the bill imposes a whole new set of record-keeping requirements upon groups engaged in "lobbying," and it gives the attorney general authority to investigate "allegations" of misconduct (for example, under-reporting expenses or failing to file necessary documents). Like the individual taxpayer confronted by the IRS, organizations will be required to keep records for five years in order to "prove" their innocence in the event that they are charged with noncompliance. In practical terms, this will create expensive procedures to account for costs and to log phone calls, letters, and visits to congressional offices. The government will be empowered to subpoena these records, and the bill provides for civil and criminal penalties, including imprisonment, for those who break the act.

But Common Cause was still dissatisfied with the bill as it emerged from committee. Under its provisions, Mobil still would not have had to report its ad campaign as a "lobby expense." To remedy this, Representative Walter Flowers (D.-Ala.) introduced an amendment on the House floor to cover "lobbying solicitations," communications between an organization and its members, or the public, which encourage the recipient to communicate with Congress on a specific issue. The amendment requires that organizations file a copy of such documents or a "description" of their contents with the government each quarter. For example, if an organization sends out a poster about a bill (say, the federal criminal code revision or a proposal to increase research funds for solar power), and if it expects 500 people to see the poster, it will have to file a copy or summary of the poster with the government. If a national religious body sends a letter to 12 local churches asking for their help in maintaining the embargo against Rhodesian chrome, that correspondence, which is now private, would qualify as a "solicitation" and become a matter of public record.

Other amendments passed on the floor mandate the disclosure of the names of groups that contribute $3000 or more to a registered organization, and require that the chief executive officer of any organization, even if he is unpaid, disclose the precise issues on which he lobbied. Andrew Feinstein of Ralph Nader's Congress Watch called the latter provision "the first step towards licensing the exercise of First Amendment rights."

OPPONENTS OF THE BILL complain that it will impose costs upon them that they cannot bear. The small public interest groups argue that whereas a giant corporation can hire a new secretary, an accountant, and a lawyer to comply with the bill's requirements, small groups do not have the money for such activities. According to the Reverend Charles Bergstrom, a Common Cause member who heads the social change division of the Lutheran Church, "Finding out that big companies spend a lot of money is certainly no big revelation. Knowing the exact amount they spend isn't going to be helpful to anyone and won't change the legislative picture. All the lobby bill will do with all its record-keeping requirements and other burdens is discriminatorily effect small organizations."

Critics of the bill also fear giving the federal government more control over the nation's political life. "We view this as *carte blanche* authorization to investigate lawful political activities," warns David Landau of the American Civil Liberties Union. He claims that threats of criminal sanctions and heavy fines will frighten organizations away from the political arena and "chill their constitutionally protected right to petition for a redress of grievances." The Supreme Court has long held that administrative costs which even indirectly burden the exercise of First Amendment rights may become so excessive as to be impermissible. The Sierra Club has estimated that the cost of complying with the bill during the first year would be close to $340,000, a level of spending that almost certainly would hurt the effectiveness of the organization.

How did such a bill, opposed by so many organizations, pass the House by such a large margin? There are several reasons: First, observers suspect that many representatives supported the legislation because it would decrease the volume of communications and visits to their offices. Proponents of the bill cited many examples of recent "lobbyist" encounters: for example, American Agriculture Movement farmers "sitting in" at their offices and fracases caused by rose-peddling right-to-lifers. They claimed such events merely showed the "variety" of lobbyists now operating. Many see a more subtle message: that such groups, and the letters and visits they spawn, are pests who consume too much precious congressional energy. Don Edwards commented in the final hours of debate

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that the bill would "cut constituent mail in half." This brought good-natured chuckles, scattered applause, and an unmistakable sense that many congressmen would be delighted to hear less often from constituents. It is this response which caused some public interest lobbyists to label the whole bill as "a slap in the face of democracy."

Second, some conservative members voted for all the strengthening amendments to the bill, hoping it would become so offensive that many other members would vote against final passage. The ACLU's David Landau hypothesized: "They could have it both ways. If they couldn't defeat the bill, its harshest impact would still be on the public interest groups they don't like to begin with."

A third factor is the great public relations advantage of passing a "reform" bill in an election year. This is particularly critical since this bill was taken up in lieu of the other major "reform" bill of the session, which would have required more detailed financial disclosure, not by lobbyists, but by members of Congress. Apparently, the House finds it easier to saddle others with the costs of "reform" than to put its own tangled affairs in order.

NOW THAT THE LOBBYING bill has passed the House, the Senate will become the battleground. The measures proposed in Senator Abraham Ribicoff's (D.-Conn.) bill, which the President is personally supporting, are even more intrusive than those in the House version. Organizations that employ a single person who does lobbying by making two "oral contacts" on each of ten days in a quarter are extensively regulated. "Voluntary membership organizations" are required to describe the "methods by which such organization arrives at its position with respect to those issues which it seeks to influence." (A similar idea was defeated in the House when New York's Elizabeth Holtzman indicated that the government has no business expecting an organization to submit statements on what books and people it consulted during its decision-making.) Enforcement and subpoena powers are given to the head of the General Accounting Office, the comptroller general. If he feels that giving the group notice would "interfere" with the investigation, he can carry out his probe secretly.

Common Cause has also always supported a dubiously constitutional provision requiring the disclosure of the names and addresses of large contributors to lobbying groups. Adam deBaugh, who heads a homosexual rights organization involved in lobbying, noted the impact of such a provision should it reemerge: "Obviously, many of our contributors are open to potentially damaging disclosure if their names became known. We have a responsibility to protect the confidentiality of our contributors."

In light of all the problems created by the bill and the potential it creates for gross abuse in investigations and surveillance, why does a "good-guy" group like Common Cause support it so absolutely and so vehemently? Joel Thomas, general counsel of the National Wildlife Federation, thinks that Common Cause may see this as an opportunity to preempt the "public interest" business. He, too, believes the requirements of the bill will drive out small groups: "Common Cause knows that will be its effect and that's fine with them. Sure, they want 'the people' to be organized, but behind them, and not anyone else." Michael Cole, the chief Common Cause lobbyist on the lobby bill, says such statements "make me sad more than angry." Whatever Cole's feeling, the concern of preemption is widespread among former Common Cause allies.

INDEED, MANY SUCH GROUPS believe that Common Cause has no idea what it is like to be poorly financed or engaged in genuinely controversial issues. In 1975, in a widely reprinted series of articles in *The Village Voice*, columnist Mary Perot Nichols detailed how big corporation grants (from Allied Chemical, Ford Motor Company, and Shell Oil, for example) and a $72,000 donation from the Brothers Rockefeller helped launch Common Cause's "peoples' movement." Last year its eight full-time lobbyists and 12 part-time lobbyists spent at least $1.2 million. This is no shoestring operation.

Similarly, Common Cause carefully avoids those "causes" that are too controversial. It belatedly and nonideologically opposed the Vietnam War. It had no position on the Panama Canal treaties, amnesty, or abortion. Recently its board decided not to work for extension of the deadline for passing the Equal Rights Amendment; its reason was a "commitment to a clean constitutional process." Process has always appeared vastly more important to Common Cause than the people affected by the process.

Common Cause also has a very pragmatic interest in this bill. One of its splashiest public relations gimmicks is "exposing" big expenditures by various groups with which it disagrees. A prime exhibit is the Mobil ad exposé, which made headlines around the country last spring. Cole bemoans the fact that his group had to "badger Mobil officials" and spend considerable resources to get the data: "We spent weeks just trying to identify energy-related lobbyists."

If the "lobby disclosure" bill passes, Cole and his colleagues will no longer have to spend a nickel to ferret out lobbyists and their expenditures. The bill mandates that all reports be open to public inspection and provides for a "filing, coding, and cross-indexing" system to simplify identification of people, organizations, and issues. All of this, says a House report, will cost the taxpayer $1.6 million a year. Because of the obvious savings to Common Cause, which will now have the grist for its press releases prepared at taxpayers' expense by the General Accounting Office, some cynics have dubbed the bill the "Common Cause subsidy bill."

Because of the obvious savings to Common Cause, some cynics have dubbed the law the "Common Cause subsidy bill."

Will this bill, if it becomes law, really "chill" political activity? Those who intimately know past struggles for human justice think so. "If there had been a lobby disclosure law in the 1960s and early 1970s, we might still be sitting at segregated lunch counters and still be fighting in Vietnam," laments Robert Alpern, former director of SANE who has worked most of his life for civil rights and peace. "A healthy democracy requires citizen input on public policy and legislative proposals. Constituent action should be encouraged, rather than discouraged." ❑

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Reorganization: Carter's Big Lie

By Marjorie Boyd

"Trust me," said Carter when he was running for President. "If you don't want me to reorganize the federal government, don't vote for me." The voters did, but he isn't.

WHILE THERE IS NO QUESTION THAT voters were attracted to Carter by his obvious intelligence and moral tone of his campaign, not to mention his charming family and picturebook hometown, the promise of government reorganization was the mortar that held together his diverse coalition. It was this promise that dramatized his position as a political outsider; it made him stand out of the pack in the early primaries and, in the general election, it provided a favorable contrast to insider Gerald Ford's tired approach to government. Carter presented himself to the voters as a competent administrator who, by streamlining the federal bureaucracy and instituting complex management techniques such as zero-based budgeting, would bring runaway government under control.

Carter, himself, has acknowledged the overriding importance of reorganization to his success. Last year, on June 29, he said ". . . there has been no theme that I have emphasized more often than a need to reorganize the federal government. The American people overwhelmingly support this idea and that's one reason I was elected President."

Yet, well into the second year of his presidency, Jimmy Carter has given no real indication that he intends to keep the fundamental promise of his campaign, or even that he knows how to go about it. In fact, there are some disquieting signs that his promise to reorganize the federal government was a charade from the start. Despite the broad authority in the field granted him by Congress, the President's spurts of enthusiasm for government reorganization have centered on catchy symbols of White House economies, such as the elimination of limousines and the installation of "Cousin Hugh" as the heartless axer of perquisites. None of the hard questions involved in a genuine government reorganization have been faced, let alone answered, and the evidence mounts that what Carter is seeking is an illusion of government reorganization rather than the real thing.

During the presidential campaign, Carter impressed voters with tales of his exploits as the governor of Georgia, where he claimed to have completely revamped and reshaped state government. However, as virtually all the books written by reporters who covered the Carter presidential campaign point out, Carter's claims of success in Georgia are, at best, gross exaggerations. For instance, Carter said in his early campaign speeches and literature that he had eliminated 2100 unneccessary state jobs; he was forced to drop this claim after Georgia's State Auditor Ernest Davis explained to the *Los Angeles Times* that these 2100 jobs had existed on paper only and had never been filled. Davis also pointed out that Carter had neglected to mention that the actual number of state employees had risen from 34,322 to over 42,000 during the period of the Carter governorship. In his book, *Why Not the Best,* and later in campaign speeches, Carter said that he had cut administrative costs of the Georgia government by 50 percent. But when reporters asked a Carter spokesman, Rex Granum, about the 50 percent figure, he said it was "just an estimate" and there were no statistics available anywhere to back it up. Carter also said he had left the Georgia state government with a budget surplus of $116 million. However, he was forced to jettison this claim, as well, when it was revealed that while he had indeed left a $116 million budget surplus, there had been a $103 million surplus when he took office. Another page of the ledger showed that the state's outstanding debt increased from $892 million to $1.09 billion, or by almost 25 percent, during the Carter stewardship.

There was, however, one claim about the Georgia reorganization which Carter continued to use in his speeches until the closing days of the campaign, despite its easily demonstrated inaccuracy. Carter said that he had eliminated 278 of 300 Georgia state agencies, leaving just 22. But there never were 300 state agencies; when Carter took office there were 65 budgeted agencies. Carter's claim is based on the fact that

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he abolished approximately 240 boards, commissions, and such, which were receiving no state funds and which, in many cases, existed only on paper. Carter consolidated the 65 budgeted agencies into 30, not 22, as he so often claimed. Carter was forced to repeat this blatant exaggeration in his speeches—over the snickering of reporters who knew better—because he had ineluctably tied the reduction of Georgia agencies to his promise to reorganize the federal government in Washington. Carter said repeatedly that he would cut the federal bureaucracy from 1900 agencies to 200, just as he had reduced Georgia's 300 state agencies to 22. This statement was the only specific he gave about his plans for federal reorganization.

"Trust me," said Carter. "If you don't want me to reorganize the federal government, don't vote for me." In light of the great weight the electorate gave Carter's promise of a Washington reorganization, if what he has in mind is merely a superficial reshuffling, similar to his Georgia effort, then it would seem to raise the matter well out of the class of allowable political exaggeration and into the category of full blown deception.

*PRESIDENT CARTER'S REORGANIZATION PRO*gram, such as it is, got underway in April of last year, when, at Carter's request, Congress granted Carter broad authority to reorganize the executive branch by renewing the Reorganization Act of 1949. Under this act, any reorganization proposed by the President takes effect automatically unless either house of Congress passes a resolution disapproving the plan within 60 days of its submission to Congress. Obviously, this places a great deal of power in the hands of the President. However, since reorganizing government necessarily requires the courage to stand up to various politically threatening pressure groups, Congress was only too glad to hand the job over to Carter.

In May 1977, Carter set up "The President's Reorganization Project" in the Office of Management and Budget. (It is staffed, by the way, by 130 White House employees who have an annual appropriation of $2.8 million and are aided by approximately 300 government workers from the various departments and agencies.) On January 9, 1978, the Reorganization Project issued its first annual report, listing three completed reorganizations and 30 studies underway. This is as good a place as any to begin an examination of the Carter administration's reorganization efforts. The three "achievements" are: the creation of a new Department of Energy; the consolidation of the U.S. Information Agency and the State Department's cultural affairs division; and the streamlining of the Executive Office of the President.

If these are the only results of Carter's first year of reorganizing, the report raises questions about the seriousness of his effort. First of all, not even the Reorganization Project claims that the formation of the new Department of Energy or the merger of the two information agencies have resulted in fewer employees or reduced expenditures. The new Department of Energy—which is already being criticized for inefficiency and wastefulness (its annual budget this year is $10 billion), and is even being blamed for the failure of the energy bill in Congress—and the consolidation of the USIA and the government's other foreign cultural and information sections seems a sensible move, but it can hardly qualify as a major reform. And whether the White House staff has actually been "streamlined" is still very much open to question.

President Carter has repeatedly tried to elevate the importance of his reorganization of the White House staff by saying that it will serve as a model for the rest of government. However, those who have studied the White House operation have found it little changed since the touted reorganization. To begin with, when Carter initiated his reorganization, the White House staff had already burgeoned to a size one-third larger than the staff under President Ford. Of the total 424 jobs at the Carter White House and Executive Office Building which were "eliminated," less than a hundred were actually terminated. The other 300-plus employees were simply transferred to other agencies where they are doing the same work for the White House as before. Nor has there been any noticeable increase in White House efficiency since the reorganization; on the contrary, complaints about the quality of the work coming out of the Carter White House have increased.

Not only has the number of White House staff members not been substantially reduced, Carter has caused staff costs to balloon by handing out lavish raises. With characteristic obfuscation, he announced the staff salary increases as "savings to the taxpayers" because he had not given raises as large as he might have under the new pay raise bill for members of Congress and top bureaucrats. It would be hard to imagine a less accurate description of an action which caused many inexperienced White House staffers in their twenties to find their salaries increased from $20,000 to $30,000 and higher, overnight. And finally, ignoring press and congressional criticisms of his overpaid staff, Carter insisted that White House employees receive the seven percent increase paid lower level white-collar government workers last October, though members of Congress, who had also received the large raises earlier in the year, refused to take it.

In addition to these "achievements," the annual report of the President's Reorganization Project also announces that there are 30 study projects now underway (although the report lists only 23). It is a curious list. Some items, such as "Economic Analysis and Policy Machinery" ("to develop ways for improving the manner in which federal government economic policy decisions are made and implemented") and "Justice System Improvement" ("to study federal government activities directed toward improving the justice system") address broad, almost philosophical, problems of government. Others, such as "Border Management" ("more coordinated management of the U.S. borders") and "Automated Data Processing" ("to improve the use of automated processing in the delivery of government services"), while no more specific, are of a housekeeping nature. Certainly these areas offer opportunities for economies and efficiencies, but the totally unsystematic reporting, with no attempt made at organizing the items by priorities, only strengthens the impression that the current reorganization effort is merely a wheel-spinning operation.

Unfortunately, this impression is not dispelled by interviews with Reorganization Project staffers, who list six areas where they expect to have completed reorganizations by the end of this year. These are, in order of importance assigned by the President, (1) civil service reform; (2) consolidation and strengthening of the various government programs designed to eliminate job discrimination (15 of these agencies were consolidated on February 23, 1978); (3) improving border management; (4) improving government education programs and establishing a separate Department of Education; (5) improving programs which deliver "human services" (these are programs which supplement welfare and Medicaid, such as day care, nutrition, employment training,

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and counseling); and (6) improving the government's ability to react effectively in times of natural, accidental, or wartime civil disasters.

The importance of each of these segments of government is open to debate, but it is clear that only one, civil service reform, carries the possibility of changes in the way the whole government operates. Carter announced his proposals to reform the civil service on March 1, during a nationally televised appearance before the National Press Club. He called his plan the "most sweeping reform of the civil service system since it was created nearly 100 years ago."

The Carter civil service plan was drafted by a group of federal employees from different agencies working under the direction of Alan Campbell, chairman of the Civil Service Commission. So perhaps it is not surprising that the actual provisions of the plan bear little resemblance to the tough reform described by Carter in his Press Club speech.

Anyone who spends much time visiting government offices in Washington cannot help but be struck by the fact that there are many workers who seem to be literally doing nothing except reading newspapers or magazines and drinking coffee. Many others seem to be engaged in dubious make-work projects. Yet, with all this inactivity and questionable activity, there is total job security. The figures show beyond doubt the reluctance of government employees to fire one another. Last year, only 226 were fired, out of the 2.8 million federal workers nationally. In his press club speech, Carter stated the problem well:

> The sad fact is that it is easier to promote and transfer incompetent employees than it is to get rid of them. . . . You cannot run a farm that way, you cannot run a factory that way, and you cannot run a government that way.

The President assured his listeners that his proposal would make it easier to fire incompetent employees because it would eliminate one of three existing appeals levels and provide various changes aimed at speeding up legal proceedings. But another part of the proposal would set up a new agency, called the Merit Protection Board, which would be charged solely with protecting the rights of government employees. And, as further examination of the proposed measure makes clear, the Merit Protection Board, to which employees would make their appeals, would guarantee these employees an even more sympathetic hearing than they now receive.

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Actually, the appeals process is not where the hold-up in firings takes place. If a government employee is actually fired, he or she can often be reinstated in the appeals process because a supervisor did not follow the complicated regulations to the letter or fill out each and every form in triplicate. Recently, a supervisor was moved to fire a government employee who shot a co-worker in the stomach. A few months later, not only was the employee reinstated, but the government was ordered to pay him $5000 in back wages, because the appeals judge found that several regulations had not been followed exactly in the firing. A third of the few government workers who are fired are reinstated in this way.

Carter's proposed reform would simply make the appeals process, which often results in reinstatement, move faster.

While Carter and Alan Campbell claim that their civil service plan will greatly streamline government, they have both admitted that it will not affect the number of employees fired. As Campbell has told reporters, "The changes may not actually increase the number of employees who get fired . . . but simply create an environment in which they are inclined to be more productive."

THE PART OF THE PRESIDENT'S PLAN THAT has attracted the most favorable attention is his proposal to create a Senior Executive Service. The idea behind this proposal is that a "carrot and stick" approach to the approximately 9000 managers in government (Grade 16 and higher) will cause them to perform more effectively. Government employees currently receive two types of automatic pay increases; one is a "longevity" raise which comes every year or two according to a formula, and the other is a "comparability" raise, which is intended to keep government salaries "comparable" to those in private industry (though something has clearly gone awry since the average government salary is now $17,350 annually, as compared to $11,672 in private industry). Under Carter's plan, members of the new Senior Executive Service would no longer receive longevity or comparability raises, but they would be eligible for bonuses and stipends for superior work. A poor performance would mean no bonus; repeated inept performances would result in a demotion out of the Senior Executive Service and back to Grade 15. The next-lower level of managers (Grades 13 through 15) would get no longevity raises, but bonuses would go to those who performed well and none to those who performed poorly.

As described by the President, this sounds like a serious attempt to introduce the competition of the real world into government. However, a closer look at the details of these proposals raises questions about the size of both the carrot and the stick. The salaries in the Senior Executive Service are so generous—$42,000 to $50,000 a year—that the denial of a bonus, which at the maximum could be $5000, would not be much of a punishment. This becomes especially clear when you consider that in this income bracket, taxes would take about half the bonus. And while the manager who goes into the Senior Executive Service seems to be losing a lot by giving up his longevity and comparability raises, he has actually been getting these raises only in part or not at all for some time now. Comparability raises are an across-the-board percentage increase for all salaries; if salaries in the upper levels had been repeatedly raised by six or eight percent a year on top of longevity increases, the salaries of top executives would soon have exceeded those paid to congressmen. A few years ago, a ceiling was put on the salaries of the highest ranking government employees to keep them from earning more than congressmen. It is currently at $47,500, and the new Senior Executive Service salary scale would have the effect of raising the ceiling to $50,000, plus possible bonuses. Presumably, as congressional salaries go up, the ceiling on the top bureaucrats will rise, as it has in the past. So, top

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government executives are losing little, if anything, by foregoing longevity and comparability raises. Furthermore, under the proposed system, if a top manager were judged hopelessly inept, he could not be fired, as he would probably be in private business. He would merely be sent back to a Grade 15 $40,000-a-year sinecure.

The incentive plan for the lower level managers in Grades 13 through 15 involves even less risk. It does remove longevity raises, but it allows for performance bonuses of up to 12 percent of salary, and these managers would continue to receive 50 percent of their comparability raises, even in the face of poor performance.

While these plans do seem long on carrots and short on sticks, the basic question at the heart of any incentive scheme for government workers is who determines superior performance and what is superior performance in government. The truth is there are no generally accepted standards for judging work in government, as there are in private industry. There are no sales figures, no profit and loss statements, and no product being turned out into the competitive marketplace. Evaluations of job performance in government will continue to be made in the same overly generous manner that has become the custom.

The fact that President Carter has proposed a "reform" package will no doubt lead many people to believe that he is serious about reorganizing the federal bureaucracy. Actually, as a closer inspection of the proposal shows, the federal bureaucrats who drafted Carter's proposals have used their tangled, complex regulations and systems to maintain their favored status, giving a little here and taking back more there. The top managers give up their longevity and comparability raises (which they were getting only partially or not at all, anyway) in exchange for having the ceiling on top salaries raised and the possibility of additional bonuses; the middle managers give up their longevity raises, but they retain 50 percent of their comparability raises and receive the possibility of 12 percent annual bonuses; the appeals process for fired employees is shortened, but the protective regulations covering firings remain, and a new, more sympathetic agency is being set up to hear appeals.

FINALLY, IT SHOULD BE NOTED THAT THE Carter reform plan is being supported by the American Federation of Government Employees of the AFL–CIO, the largest federal employees union. This fact alone should dispel any remaining doubts about the plan's weakness. The White House explains the union's support as an act of unprecedented "statesmanship." But union leaders, who have no time for public relations imagery, acknowledge that they support the reform plan because it is so mild. They also like it because it provides for a Federal Labor Relations Authority—the equivalent for government workers of the National Labor Relations Board—which they see as a large step toward full-scale collective bargaining, a longtime dream of the leaders of the federal employees unions.

The other five areas targeted for reform this year are all quite limited and in no way address the basic questions of reform. None of the five suggests the possibility of economizing; on the contrary, they all seem to imply greater expenditures, since this is what "improving services" has traditionally meant in Washington. (The proposal to create a new Department of Education, for example, would obviously result in the expansion of government—a new building to house the department, many new employees, and greatly increased expenditures.) Even if all of these five reorganization projects are completed by the end of 1978 (at the halfway mark of this administration), they will produce only the faintest shadow of the all-out, top-to-bottom restructuring of government promised by Carter.

Obviously, any honest attempt at government reorganization means eliminating unnecessary agencies, unnecessary jobs, and incompetent employees; it means assuring that government employees accept the concept of a dollar's worth of work for a dollar of pay; and it means standing up to the forces that fuel expansion. Carter has so far proved himself unwilling to do any of these things. Government employees are effective lobbyists for government expansion, and their organizations grow more powerful in Washington each year. In a series of speeches to federal workers last year, Carter made statements that surprised students of government re-

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organization. "No one will be demoted, have their salaries decreased, or be fired as a result of reorganization," he told a group last February. "You need not fear that." It is hard to see how any serious reorganization could be carried out within these constraints. And, indeed, it is not.

A Carter aide recently told Elizabeth Drew of the *New Yorker* that the administration has now abandoned plans to reduce the 1900 federal agencies to 200, as Carter promised he would do almost every day of the campaign, because White House advisers have concluded that this would merely result in more super agencies like the Department of Health, Education, and Welfare. A staff member of the Reorganization Project confirmed this to me: "This was never an overriding objective for us," he said.

The charade, however, goes on.

Recently, Carter startled members of Congress, who remembered his campaign attacks on the size of the Nixon and Ford staffs, by asking for the authority to enlarge the White House staff. He asked that the limit on the number of top assistants, those making $42,500 and $57,500, be raised from 55 to 100. He also asked for the authority to hire an unlimited number of employees at lower salaries, not only for his own staff, but for those of the first lady, the vice president, and the vice president's wife. However, White House assistants explained that the President had no plans for exercising this increased authority. White House aide and presidential cousin Hugh Carter, Jr. said, "We wanted to have plenty of flexibility for the future in the event of an emergency like World War III, or something . . ." Cousin Hugh did not bother to say how, in the event of a nuclear holocaust, Rosalyn and Joan, or for that matter, Jimmy and Fritz, would use the extra personnel. It would be fitting, however, if they were assigned to the reorganization task force. ❏

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NATO and the SOVIET SCARE

Exaggerated fears of Soviet military forces in Europe can only lead to a costly and dangerous U.S. build-up.

By FRED KAPLAN

WITH VIETNAM OUT of the way, Europe is once again the focus of United States foreign and defense policy. Much of the new concern over NATO derives from perceptions of a growing Soviet military threat in Europe. Senators Sam Nunn and Dewey Bartlett, in an influential January 1977 report to the Senate Armed Services Committee, state bluntly that the Warsaw Pact is "rapidly moving toward a decisive conventional military superiority" over NATO. They claim that the Pact forces could launch a "devastating

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invasion of Europe with . . . a few days' warning," and sweep through defending forces, conquering much of Western Europe before the United States could deploy effective reinforcements from North America. To counter this threat, Nunn and Bartlett urge a crash military build-up which would make it possible to reinforce NATO fully within two or three days of a warning of Soviet attack.

This general alarm echoes, though less shrilly, through the statements and programs of the Carter administration. "While there is work ahead of us, there are no grounds for panic or crash efforts," wrote Secretary of Defense Harold Brown in his annual report this January. Still, the "work ahead of us" is considerable and costly. About $60 billion of Brown's $126 billion defense budget is NATO-related. Included in this budget are requests for funds to develop or procure several major new weapons systems for NATO; if Congress approves these requests, American spending for Europe is certain to rise still higher and faster in the coming years.

From a strictly military perspective, some of this alarm about Soviet power in Europe is warranted: While the U.S. military was bogged down in Vietnam—diverting material, weapons, and manpower from Europe to the Southeast Asian quagmire—the Soviets were just beginning to modernize their ground and tactical air forces. Since the demise in October 1964 of Nikita Khrushchev, an advocate of defense through "cheap nuclear deterrence," the Warsaw Pact has become a far more formidable military opponent. It has doubled the number of its artillery launching tubes, added 25 percent more aircraft to air units, put an extra motorized-rifle division in each tank army, and increased the manpower of divisions from one-fifth to one-third.

But what is the significance of this build-up? How does it affect the current balance of forces in Europe? How prepared is each side—politically and militarily—for initiating and sustaining war? In short, can NATO, now and in the foreseeable future, defend itself?

In attempting to answer these questions, many journalistic and official reports merely count and compare the number of soldiers, divisions, tanks, planes, and ships on each side. Yet these statistics alone clearly do not help us calculate whether a war will break out, or who will win it, which is, after all, why we study such statistics in the first place. Instead, what we need to do is determine how these raw numbers convert into usable military power. Only this kind of assessment will yield us a true picture of the military balance in Europe.

For instance, it is often noted that the Soviet military has 4.4 million men, compared with the U.S. military's 2.1 million. Yet more than half of Soviet forces engage in activities unrelated to American foreign-policy interests: construction work, internal security, defense of the long Chinese border. When we measure the forces that could be brought to bear in a conflict, the Soviet and U.S. military stand virtually equal. And if we compare all active forces of NATO (including the United States) and the Warsaw Pact (including the USSR), the score is also about equal, at roughly 4.8 million each. In ground forces alone, NATO outnumbers the Pact, 2.8 to 2.6 million.

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Several analysts look at the number of divisions on each side as an indicator of comparative strength. At first glance, the picture looks gloomy for the West: 226 divisions for the Pact, 41 for NATO. This first glance, however, is misleading. Of the 168 Soviet divisions in this total, 61 are deployed in the Far East for possible war with China. (Indeed, over the past decade the big leap in Soviet forces, an increase of 48 divisions, has occurred in the Far East. The only other new divisions deployed in this time span have been the five sent into Czechoslovakia in 1968, and they have never been pulled out.)

Still, that leaves 86 Soviet and 31 non-Soviet Pact divisions, and that seems like a lot. However, other factors must be considered. Soviet and Pact divisions are placed in three categories: Soviet Category I divisions are 75 to 95 percent fully manned. Soviet Category II (and non-Soviet Pact Category I) divisions are 50 to 75 percent combat-ready; they lack some armored personnel carriers, and many of their trucks would have to be taken from the civilian economy. Soviet Category III (and non-Soviet Category II) divisions are only 25 to 50 percent ready; their reinforcement troops are untrained, they have old equipment, and lack many weapons. Says Representative Les Aspin (D.-Wisc.) about the non-Soviet Category I forces: "If a U.S. division were manned at that level, it would be given the lowest rating of C-4, which means not ready." And of the 86 Warsaw Pact divisions in the Central Region of Europe, only 30 are as much as 75 percent ready.

Pact divisions are also structured differently from NATO's. Even when fully manned and equipped, they have from one-third to one-half the manpower, fewer weapons, and far less firepower than their NATO counterparts. On M-Day—the first day of pre-attack mobilization—the ratio of Warsaw Pact to NATO forces would be 1.96:1 in divisions, but only 1.08:1 in ground forces manpower and 1:1 in firepower potential. Since a successful offensive requires decisive superiority of forces, there seems good reason to doubt the pessimistic scenario of Senators Nunn and Bartlett.

Other numerical comparisons are also misleading. For example, in the Central Region of Europe, where the opening salvos of a future European war are likely to be fired, the Pact could mobilize 20,000 tanks against NATO's 7000. Yet on the battlefield, tanks are hit not only by other tanks, but also by antitank guns and missiles. On this score, NATO is substantially superior to the Pact. Modern U.S. antitank weapons have a high chance of knocking out modern Soviet tanks with a single shot from 3.5 kilometers or more, while Pact tank cannons have ranges of about 2 kilometers. U.S. infantry antitank weapons can penetrate up to 20 inches of armor from their maximum lethal ranges, whereas Pact tank armor is only about nine inches thick. The intrinsic advantage that antitank weapons have over tanks—e.g., the defense can hide, while the offense must expose itself maneuvering—amplifies NATO's antitank superiority.

Furthermore, Pact tanks are, by and large, qualitatively inferior to NATO tanks. Most of them are lighter, have shorter ranges, smaller ammunition loads, less accurate guns, and thinner armor. The crew space in Soviet tanks is

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very cramped. The widely deployed T-62 tank can travel, on the average, only 100–125 miles before breaking down. Even if a T-62 were to start out at the westernmost military base in East Germany, it probably could not reach any major economic center in West Germany without breaking down. And recovery-repair facilities of the Soviet army's technical support and logistics crews are neither extensive nor designed for heavily damaged vehicles. By comparison, NATO tanks tend to break down after 150–200 miles of use; and NATO does not plan on maneuvering tanks over vast stretches of territory.

In its air forces, the Pact has about 5300 tactical combat planes in Europe, against NATO's 2900. But more Soviet and Pact aircraft are designed exclusively for air-defense missions than are NATO's. NATO aircraft far exceed the Pact's in payload, range, air-to-air fighting capability, maneuverability, munitions-delivery accuracy, crew effectiveness and training, command-control flexibility, and deep-strike interdiction capability. NATO would have little difficulty in carrying out its prime missions of air superiority, air interdiction, and close-air ground-attack support.

The Soviets have a larger navy than the United States, with an estimated 450 combat surface vessels and attack submarines, against America's 250. However, the Soviet navy includes many light escort fleets, while the U.S. Navy has three times the tonnage of the Soviet fleet. The United States also has better naval aircraft (the Soviets have hardly any air support for naval missions), better sonars for antisubmarine warfare, and more creative and aggressive tactics. The U.S. Navy can fulfill a wide variety of missions with great flexibility, while the Soviets, hampered by inferior technology and constricting geography (and a lack of foreign bases), is largely a "fortress fleet" that is developing increasing sea-*denial* capability, but very little amphibious-assault and no power-projection capacity.

In short, a close look at simple quantitative indicators reveals a Warsaw Pact which, while *numerically* superior to NATO, is not *decisively* superior in military power and is, in fact, markedly inferior in quality and scope of mission.

BUT THERE IS MORE TO warfare than mass. There is also training, tactics and strategy, command and control, and logistics and reinforcement. While these issues are more complicated and subject to dispute, it appears that NATO is adequate or excels in these areas as well.

There is no more illuminating evidence about the state of Soviet training than an article in the Soviet journal *Military Herald* by Soviet General of the Army I. G. Pavlocky: ". . . it would be an unforgivable mistake to keep silent about the deficiencies in combat training. . . . Commanders and officers . . . have still not learned to firmly control the actions of subordinates in battle, to maneuver with them, and [in exercises] have not always correctly used armored transporters and combat machines of the infantry in breaking through a prepared defense. . . . [There has also been] poorly organized cooperation of means of fire suppression and . . . [lack of] energetic measures to destroy antitank missiles and . . . guns."

These deficiencies are all the more remarkable when we consider the fact that Pact military maneuvers are notorious in U.S. intelligence circles for their rigidity, their misjudgments of NATO's power and effectiveness, and, in the words of one State Department military expert, their "ludicrous staginess." Unlike NATO training, which allows for tactical flexibility, Pact exercises neglect the "free-wheeling maneuver." Initiative on all levels below top command is explicitly discouraged.

Pact military maneuvers are notorious for rigidity and "ludicrous staginess."

Pact forces use the same equipment over and over in exercises until it breaks down. NATO trains with the actual equipment that would be used in a war. The Pact's method is cheaper, but it gives the troops little experience with their real weapons. In general, the Pact uses only 20 percent of its actual equipment in field training; the rest is kept in warehouses, much of it on concrete blocks. Even the Ground Soviet Forces in Germany, the cream of Soviet forces, uses only one-third of its assigned equipment, and some of its combat units are not even allowed to train with tanks.

Furthermore, the Pact is hardly a war-ready force. Conscripts are trained within their divisions, on the field, during their two years of mandatory military service. Every six months, 60,000 troops are moved in and the same number moved out. That is to say, at any given point, almost one-quarter of the Soviet forces in Eastern Europe are undertrained—if trained at all—for combat. Training time in recent years has been cut from three years to two; the time for some programs has been cut in half.

The operational tactics of Soviet military doctrine worry many Western analysts. Soviet doctrine states that, however a war may begin (and it is always phrased, "if the imperialists unleash one"), the initiative must be taken as swiftly as possible. The heavily armored force structure of the Pact armies supports this doctrine (although, as the Soviets demonstrated in the early stages of World War II, tanks can be used for deep-defense and counteroffense, too). Once the offensive is taken, however, high speed, maneuvering, and deep-penetration are the rule. Tanks are to be used for piercing through defenses, while continuous barrages of artillery fire saturate enemy forces. Tanks are to be followed by armored personnel carriers, followed by antitank weapons, followed by anti-aircraft weapons.

Heavy reliance on the tank as the main striking force is one of the lessons the Soviets learned from World War II. Although some Soviet officers have written a good deal lately about tank vulnerability, their planned mode of military operations is still rooted in 1941–1945. Command and control of troops is heavily centralized at the top. In exercises, everything is done "by the book." If something in a war were not to go according to plans, there would be little that officers in the field could do about it. When things went slightly wrong in the 1968 Czechoslovakia invasion—with no military opposition at all—Soviet tanks and armored personnel carriers blithely poured into narrow bottlenecks, causing, as Les Aspin has noted, "rush-hour traffic jams that would have provided tempting targets in a real war."

A fundamental prerequisite for waging successful conventional war—

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especially a successful deep-penetration, highly mobile offensive—is the establishment and maintenance of an adequate logistics infrastructure, including a supply base and transportation network. Yet, as John Erickson, Britain's leading expert on the Soviet military, has commented, "logistics have always been one of the weakest parts of the Soviet system." In the 1968 Czechoslovakia intervention, the Soviets outran their supply lines upon crossing the border. Some units went without fuel or hot food for days. Before the attack, the Soviets had to commandeer civilian trucks from throughout European Russia. The resulting shortage of civilian trucks contributed greatly to that year's harvest failure and manufacturing difficulties. Civilian resistance was minimal, but it was enough to prevent the Soviets from seizing Czech fuel and supplies. And this was a very limited occupation-invasion against a country half the size of West Germany, with no military resistance and with three months' preparation before the attack.

Granted, that was a decade ago. Soviet logistics have improved. The Soviets now have more heavy amphibious trucks, folding-bridge stock, and petroleum tankers. Still, several State Department military specialists maintain that none of these improvements has markedly improved the Pact's ability to sustain an attack.

Some say, however, that even with all the aforementioned inadequacies, a Warsaw Pact offensive could succeed if it caught NATO off-guard. Senators Nunn and Bartlett call this scenario a "come-as-you-are war." Indeed, Soviet doctrine stresses surprise tactics: concealment, night maneuvering during mobilization, detailed cover. Just before the 1968 Czechoslovakia invasion, large concentrations of troops moved under cover of electronic screens that impeded Western radar surveillance and kept radio traffic signals to a minimum. The intended effect was to mask Pact movements.

It seems doubtful, though, that NATO could be surprised. Former Defense Secretary James Schlesinger once testified: "The total list of potential indicators of a Soviet attack in Europe is long—several hundred items." A 1976 Pentagon report concluded: "We would almost certainly be aware of a [large] mobilization and reinforcement . . . in a matter of hours." Even during the Czechoslovakia invasion's mobilization period, the United States and other NATO nations kept abreast of the situation at every stage. As R. Lucas Fischer noted in a highly regarded study of the NATO-Pact balance in 1976, "It is hard to see that a [covert] mobilization . . . could add much to Warsaw Pact strength without clear detection by a variety of means."

Still, many Western analysts worry that a highly concentrated Soviet attack, even if it were detected, could overwhelm NATO's conventional defenses. They suggest that if Pact forces had marginal theater-wide superiority of forces, the Soviets could deploy them to give a 1:1 ratio along most axes of the battleline, and in a few relatively narrow sectors, could amass great superiority. At these decisive points, the analysts claim, the Soviets could break through.

Several factors would hinder the success of such an operation against NATO, however. For one, breakthrough tactics can probably be pursued with confidence only if the attack maintains substantially better than 1:1 ratios along the non-breakthrough sectors, as well; the Soviets would probably not be capable of doing so. Second, it would take a great deal of maneuvering to amass such force along a few sectors. The effort would be noisy and time-consuming, allowing for detection and much counter-preparation by NATO. The concentrated mass of forces would also strain an already feeble logistics network, which would also have to be concentrated and would, therefore, be highly vulnerable to NATO air interdiction. Third, such intensive concentration would be a very tempting and lucrative target for NATO's tactical nuclear weapons in Europe—a prospect that the Pact would surely want to avoid.

In an attack, the Soviets would have to count on unreliable allies like Poland.

*IN ADDITION TO THESE MILI*tary considerations, there are political factors that make a Soviet attack less likely and, if it did occur, less effective. First, in an attack, the Soviets would have to count upon unreliable allies like Poland or Czechoslovakia. Recent Warsaw Pact exercises show a national "divison of labor" among Pact forces: a single army or "front" combines, for example, Soviet motorized rifle units, Polish armor, and Czech air units. Hence, in the event of war, the noncooperation of even a single country could deprive the Pact of crucial force elements and hamper the war effort far more than mere numbers would indicate. Of course, NATO has its share of reliability problems, too, especially from the French and the Dutch. Still, if NATO were on the defensive against a Soviet invasion, it would be likely to have the political advantage. Even if some allies did not participate, the United States and West Germany would not have to divert forces for occupying, say, France or the Netherlands; the Soviets have no such assurance. In short, as Jeffrey Record observed in a Brookings Institution study: "It is doubtful that . . . [Eastern European] armies would remain politically reliable in a sustained offensive operation. . . . [They] might even prove a liability."

Second, there is the broader issue of political intentions. Why would the Soviets want to take the risks involved in invading Western Europe? Certainly, they, like the Americans, would not mind spreading their influence and power. But from Lenin to Brezhnev, all Soviet leaders have dismissed the feasibility or wisdom of "Revolutionary War" as a means of spreading Communism. Such a notion, after all, is associated with that long-reviled "renegade," Leon Trotsky. And certainly, given the Soviets' problems with maintaining order in their own bloc, one cannot imagine any sizable net gains they would accrue from occupying Western Europe, with its strong democratic traditions, or from engaging the United States in a new conflict, either hot or cold, which would inevitably be the result.

None of this denies that there are some military weaknesses in NATO. These flow not from shortages of forces but from the poor deployment of these forces and lack of coordination between them. Because of the position of armies at the end of World War II, the Soviets' crack forces are located in the northern

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and central regions of East Germany, while U.S. forces are deployed in the southern part of West Germany. NATO aircraft are less sheltered on airfields than Pact planes. NATO also suffers from problems in standardization and interchangeability of equipment. Logistics lines of each nation are separate. Because France is not formally a part of NATO, the lines of communication for all NATO countries run from north to south and, in some areas of West Germany, come dangerously close to the East German border. Prepositioned supply stocks have also been low, and are excessively centralized. There are some weapons shortages as well, particulary in antitank weapons, heavy artillery, and ammunition.

Budget requests for NATO far exceed what can be justified by calm analysis.

The Carter administration is addressing these problems; in the past few years, in fact, the United States has been making substantial improvements in these weak areas. The ratio between combat and support troops has been increased; this has permitted the United States to create two new combat brigades, one of which has been deployed in the northern part of West Germany. Airfield sheltering is now almost complete. Arrangements are pending that would centralize NATO military communications. To avoid the possible delay in airlifting heavy equipment such as tanks from the United States to Europe upon warning of Pact mobilization, the U.S. Army is presently testing the idea of adding special antitank battalions—which can be flown to battle more easily—to reserve forces with a very high degree of readiness. The stockpile of artillery ammunition is being increased. Belgium has recently added four antitank brigades to its two divisions in Germany. Airfields throughout Western Europe can now fuel and supply aircraft from virtually all the NATO countries. Prepositioned stocks have been low primarily because supplies were taken from them to reinforce Israeli forces during the 1973 war; they are now virtually back up to pre-war levels.

Carter and Harold Brown are continuing and, in some cases, accelerating programs started by the Ford administration. Brown is asking this year for 18,000 more antitank guided missiles for the Army, a million more rounds of conventional artillery fire, and several types of new-generation aircraft, while NATO allies are also stepping up their defense efforts somewhat. Brown also wants to increase the amount of prepositioned equipment in Europe so that more reinforcement troops from the United States can meet up with their materials near the battle zone rather than having to rely so heavily on highly expensive, undependable cargo aircraft, such as the infamously fragile C-5A, to airlift everything to Europe. Carter and Brown are also continuing to harden and disperse air bases.

HOWEVER, IN A NUMBER of his budget requests this year, Brown has far exceeded what can be justified by a calm analysis of the military balance in Europe. Currently, within ten days, the United States can augment its five and two-thirds divisions and 28 tactical air squadrons in Europe by an extra division and 40 squadrons. By 1983, Brown wants to be able to add five divisions and 60 tactical air squadrons in the same time period. Not only is this excessive—unless one accepts a host of misleading claims about Soviet military capability—it could appear provocative to Soviet military planners, thus increasing tension in the region.

Over the next few years, Brown also wants more than 700 XM-1 tanks (totalling $1.3 billion), 1388 F-16 air-superiority aircraft ($11 million each), 729 F-15 air-superiority fighters ($18 million each), 733 A-10 anti-armor combat planes ($5.7 million each), 521 F-14 naval air fighters ($24 million apiece), and more. In fiscal 1979, Brown wants to spend almost $24 billion on major army, air force, and naval air weapons procurement and modernization programs alone.

Much of this is unnecessary. The luxurious gold-plated XM-1 is not at all cost-effective on the battlefield compared with other weapons, including the presently deployed M-60 tank (upon which Brown wants, in any event, to spend nearly $950 million over the next two years for "continued modification and procurement"). The outrageously costly F-14 is designed primarily to protect aircraft carriers; since carriers are growing obsolete, the F-14 is superfluous. The F-15, a program whose cost-overruns and overloaded technological "extras" are also growing out of hand, should simply be halted; four wings (288 planes) have already been deployed for NATO missions, and that is probably enough, if mixed with other planes.

The F-16 is a useful, multi-purpose plane to replace the aging and limited F-4 fighter. The A-10, aside from displaying some technical problems with its engine which should be remedied, is a flexible airborne tank-killer that is hard to shoot down. Still, it is highly questionable whether so many of these planes are actually needed for the security of Europe, especially since the Air Force continues to modify, rather than junk or sell, existing aircraft.

Much money could be saved if extravagant claims about the Soviet military threat were toned down to more realistic levels. A recent report by former Assistant Secretary of Defense Townsend Hoopes and former CIA Deputy Director Herbert Scoville, published by the Council on National Priorities and Resources, estimates—correctly, I think—that more than $30 billion (in constant 1978 dollars) could be cut over the next four years from the planned budgets for non-nuclear military forces without reducing conventional deterrence or warfighting effectiveness.

Because the United States ignored Europe during the Vietnam years, supporters of NATO have a good case when they argue that it is time to correct some of the alliance's glaring military weaknesses and to modernize some of its weaponry. But both conservatives and, to a lesser extent, the Carter administration have invoked an exaggerated specter of the Soviet threat in Europe, and they have used this specter to justify accelerated production of costly and sometimes unneeded weapons systems. They have done so even though a close analysis of the balance of military power in Europe shows that NATO could today readily defend itself with conventional forces against a Warsaw Pact attack. If Congress accepts this exaggerated view, American taxpayers will be saddled with new burdens, détente will be threatened, and the arms race in Europe will speed dangerously ahead.

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PERJURY: The Hiss-Chambers Case, by Allen Weinstein. Alfred A. Knopf, 674 pp., $15.00.

Unanswered questions

ATHAN THEOHARIS

"WE KNOW THAT SINCE Yalta the leaders of this Government by design or ignorance have continued to betray us. . . . We also know that the same men who betrayed America are still leading America. The traitors must no longer lead the betrayed." Thus, Senator Joseph McCarthy, exploiting the popular identification of the recently convicted Alger Hiss as "the architect of Yalta," neatly summarized his favorite theme. It was a theme that, in varying forms, conservatives and liberals built on during the 1950s and 1960s, in order to attain personal political influence, to justify stringent restrictions on civil liberties, and to legitimize an indiscriminate antiradicalism. Only after the Watergate and Church Committee revelations discredited this McCarthyite politics, by increasing public sensitivity to abuses of power and the fragility of civil liberties, would the troubling questions surrounding Alger Hiss's trial and conviction once again command the interest of the wider public. Another indirect result of the Watergate affair ensured that the pretext of "national security" would no longer preclude the release of the files of the federal intelligence agencies. Allen Weinstein's *Perjury* is the product of this altered political context.

Perjury is not a dispassionate book. Other historians, reading the same evidence, will undoubtedly differ with Weinstein's conclusion—that Alger Hiss committed perjury when he denied having given classified State Department documents to Whittaker Chambers during the 1930s. Just as likely, none of these conflicting interpretations will command the attention that has been lavished on Weinstein's study. For that reason, *Perjury*'s conclusions about the troubling questions involving the Hiss-Chambers case, as well as the thoroughness of the research underlying the book, must be seriously and carefully assessed.

What are these questions? Among those Weinstein might have addressed himself to are: How can we be certain that when Chambers radically reversed himself, both in his dating of his own defection from the Communist Party and in his charges against Hiss, he was finally telling the truth? Do we now have all of the significant facts on the roles that the FBI and the House Un-American Activities Committee (HUAC) played in this case, and on the nature of the relationship between the bureau and HUAC? And, What precisely is comprehended in the term "espionage," as used against Hiss by Chambers and Weinstein? No attempt will or can be made here to provide answers to these questions; the aim is only to suggest that, contrary to the judgment expressed by a number of others who have reviewed *Perjury*, it is not the definitive work or the last word on the subject.

On five separate occasions Chambers claimed that he had defected from

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the Communist Party in 1937: in his 1939 interview with Assistant Secretary of State Adolf Berle, his 1940 meeting with Malcolm Cowley, an interview in 1942 with the FBI, a 1945 interview with State Department security official Raymond Murphy, and his August 1948 testimony before HUAC. Yet, the State Department documents, which Chambers produced in November and December 1948—the documents he claimed he had received from Hiss—were dated 1938, the latest bearing the date of April 1, 1938. If Chambers left the Party in 1937, then of course his possession of those documents becomes a problem. Accordingly, during the first Hiss trial, Chambers dated his defection in mid-April 1938. Chambers's impressively precise testimony about Hiss's activities during the 1930s makes it hard to believe that he had simply erred about the break, which constituted a major milestone in his own life and a shattering emotional experience.

Weinstein, however, accepts the April 1938 break date, his evidence consisting of certain *undated* letters between Chambers and his friend, Meyer Schapiro. In a brief back-of-the-book note, Weinstein explains why he has concluded that these Chambers-Schapiro letters had been written at various times during 1938: "Not only did Prof. Schapiro prove helpful in dating the correspondence, but Chambers's [undated] letters to Herbert Solow from *fall 1938 to spring 1939* contained sufficient references to the [undated] Schapiro letters (and vice versa) to allow more precise dating. Solow, moreover, retained the postmarked envelopes *in most cases*." (Emphasis added.) Surely, however, more than this is necessary if we are to accept the shaky evidence of the undated Chambers-Schapiro letters as settling the crucial question of when, in fact, Chambers did leave the Party.

Until mid-November 1948, Chambers consistently maintained that Hiss and the other individuals he named had only been members of a Communist underground whose purpose had not been espionage, but the promotion of Communist influence in the New Deal. As late as October 1948, he had testified under oath to this effect. After November, however, when he was confronted by a law suit from Hiss, Chambers began to claim that Hiss (and others) had engaged in "espionage." This astonishing reversal has never been convincingly explained, nor does Weinstein do so.

THERE ARE OTHER LOOSE ends in the story which Weinstein has not tied up and which continue to raise doubts in the minds of unbiased students of the case. After Chambers's changed testimony in December 1948, two of those whom Chambers claimed had given him government documents—Henry Julian Wadleigh and Franklin (or Vincent) Reno—admitted the validity of the charge. Curiously, although Chambers had named Wadleigh and Reno to Berle in 1939 and to the FBI in 1942 (naming 18 individuals in 1939 and 20 in 1942), during his August 1948 HUAC testimony, Chambers only cited eight individuals—including Hiss, but not Wadleigh or Reno. At the time of his HUAC testimony, was Chambers distinguishing in his own mind between individuals who had engaged merely in Popular Front political activities (the eight men he named) and others who had given him documents?

Had Chambers, as he claimed, received documents from Hiss in 1938 and, preparatory to his break, deposited them with his nephew Nathan Levine as a form of "insurance"? Levine confirmed to the FBI that on November 21, 1948 his uncle had retrieved an envelope which he had left with Levine for safekeeping back in 1938. Yet, Chambers did not open this envelope in Levine's presence; thus there is no independent corroboration that all the documents Chambers produced in November–December 1948 had been stored in that envelope. This is important because the date Levine gave for his uncle's retrieval of the packet—November 21—was after the time, November 17, 1948, when Chambers produced certain documents: four memorandums in Hiss's handwriting and 65 pages of State Department documents allegedly typed on the Hisses' Woodstock. Basically, these documents, especially the typed ones, convicted Hiss of perjury. If the November 21 date is correct, where did the November 17 documents come from? Had the deposited envelope contained only the two strips of developed microfilm and three undeveloped microfilm rolls which Chambers retrieved from a carved-out pumpkin and gave to HUAC on December 2, 1948?

Chambers also allegedly produced in November 1948 a four-page handwritten memorandum written by Harry Dexter White, former assistant secretary of the Treasury. This, too, raises certain questions. It remains unclear how Chambers acquired the White memorandum, and where it had been kept, and how it came to be in the possession of the FBI by December 7, 1948. When this delivery actually occurred, and who had given Chambers the document, are questions that assume importance in view of FBI Director Hoover's testimony before the Senate Internal Security Subcommittee in November 1953.

In November 1953, Attorney General Herbert Brownell condemned the laxity of the Truman administration's 1945–1946 handling of FBI reports, which had raised serious charges about White's loyalty at a time when the President was considering appointing White a director of the International Monetary Fund. Truman responded to Brownell's charge by challenging its accuracy and accusing the Eisenhower administration of McCarthyism. Accompanied by FBI Director Hoover, Brownell appeared before the Internal Security Subcommittee to repeat the charges. He went on to claim that the presence of White's memorandum among the so-called Pumpkin Papers corroborated the charges of White's subversive activities.

In a thoroughly prepared and intensively researched statement (based on a careful review of FBI files), Hoover at first supported Brownell's testimony by listing the reports on White that he had submitted to the Truman White House in 1945 and 1946 (reports based on wiretaps and on the 1945 testimony of a former Communist courier, Elizabeth Bentley). The FBI director then added: "Subsequent to White's death on August 16, 1948, events transpired which produced facts of an uncontradictable nature which clearly established the reliability of the information furnished by the FBI in 1945 and 1946." That Hoover, while testifying under oath, failed to cite either the Pumpkin Papers—including White's memorandum—or precise dates when these "facts" were produced is intriguing; vagueness was not the result of a lapse of memory or of distance from the events under review.

HOOVER'S ELLIPTICAL TES- timony indirectly raises other questions about the roles of the FBI and HUAC in this case and the relationship between the committee and the bureau. For example, while researching his book, *Nixon Agonistes*, Garry Wills interviewed the Catholic priest John Cronin. Cronin admitted

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having briefed Richard Nixon about the Communist problem in 1947 and having at the time identified Hiss as a Communist, although not as a spy. (Cronin's charge about Hiss derived from his having read FBI files in 1945, at a time when he had been preparing a report on Communism for the American Catholic bishops.) Cronin then told Wills: "Ed Hummer was one of the FBI agents I had worked with. He could have got in serious trouble for what he did, since the Justice Department [in 1948] was sitting on the results of the Bureau's investigation into Hiss—the car, the typewriter, etc. But Ed would call me every day, and tell me what they had turned up; and I told Dick [Nixon], who then knew just where to look for things, and what he would find."

Cronin's account of his intermediary role is intriguing for a number of reasons. First, just when in 1948 were these FBI findings being leaked to Cronin "every day"? Prior to or during the August 1948 HUAC hearings? In November? During the December 1948 HUAC hearings? If prior to August, why was the FBI then investigating Hiss, the car, the typewriter? Hiss was at the time out of the government, as head of the Carnegie Endowment; his car wasn't mentioned until Chambers's August testimony; and the famous typewriter didn't come into the story until early December. Resolving these issues would help us to answer the question of whether Hiss was the victim of a frame-up. Moreover, our knowledge of an FBI "educational" program instituted in February 1946, and two recently disclosed December 1948 FBI documents (discussed briefly by Weinstein) confirm that Hummer was not simply a zealot acting on his own.

On February 27, 1946, FBI Assistant Director D. Milton Ladd recommended that Hoover secure Attorney General Tom Clark's approval for a "security index" program. In order to create a public opinion favorable to the program, Ladd further suggested that "an effort should be made now to prepare educational material which can be released through available channels so that in the event of an emergency we will have an informed public opinion." Ladd's recommendations were approved, and, as part of this general "educational" program, the FBI developed a close working relationship with, among others, Congressman Richard Nixon. It is not known when the Nixon-FBI connection began, but a December 9, 1948 FBI memorandum reported that in discussing the Hiss investigation at an informal meeting with several FBI agents, Nixon "voluntarily stated . . . that he had worked *very close* [sic] with the Bureau and with [FBI Assistant Director Louis] Nichols *during the past year* on this matter." (Emphasis added.)

More importantly, following his December 1, 1948 visit to Chambers's Westminister, Maryland, farm (at which time Chambers told Nixon that he possessed additional documents which would have an explosive impact on the case), Nixon telephoned Nichols that night to brief the assistant FBI director on this visit and, as recorded in a December 2, 1948 FBI memorandum, "specifically urged that we [FBI] not tell the Attorney General that we were told of this information as the Attorney General would try to make it impossible for the Committee to get at the documents. [Nixon] also asked that the Bureau not look for the documents themselves." Nixon further outlined his strategy for using the documents: "to subpoena these documents at the hearings on December 18 [Nixon had informed Nichols that he proposed to reopen the Hiss-Chambers matter during the December 18 hearings] and the purpose of his call, which he reiterated was strictly personal and highly confidential, was merely to apprise the Bureau so that the FBI would not be caught off base. He stated they [HUAC] were handling the matter so that there will be no criticism of the FBI and he particularly urged that we do nothing about the information which he has just furnished as he feels the statute of limitations has run." Nichols concurred and recommended that the bureau simply inquire whether Assistant Attorney General Alexander Campbell had any documentary evidence "without revealing the reason for our inquiry or our source." At the bottom of this informative memorandum, Hoover wrote: "Do so & let me know result."

The December 2 and 9, 1948 memorandums confirm both the closeness of the FBI-HUAC relationship and the interest that both the bureau and the committee had in establishing Chambers's veracity and impeaching Hiss's. The point to which the situation had developed is brought out particularly by the audacious suggestion by Nixon, a freshman congressman, that the FBI not seek these documents and instead permit HUAC to exploit them during highly publicized hearings and by Hoover's concurrence in the idea. As it turned out, events that month revised this strategy, as the statute of limitations was circumvented by the Justice Department's decision to seek a perjury indictment of Hiss following HUAC's widely reported revelations of these documents on December 3. But this hardly detracts from the questions raised by these FBI documents, FBI agent Hummer's role, and the FBI's 1946 general "educational program."

*IT IS SURPRISING THAT WEIN-*stein does not explore the nature of the FBI-HUAC relationship. We must conclude that either he failed to request additional FBI files fully detailing the bureau's relationship with HUAC and, more specifically, those pertaining to the Hummer-Cronin-Nixon connection; or that he did request these documents, but they could not be produced because they had already been separately filed or else destroyed by the bureau under its "Do Not File" procedures.

In at least one instance that we know of in the Hiss case, an FBI document was filed separately. Furthermore, a bureau directive of July 8, 1949 ordered that "facts and information which are considered of a nature not expedient to disseminate or would cause embarrassment to the Bureau if distributed" should be included in reports in such a way that they could be separated from the ordinary files. Thus, despite the 40,000 pages of FBI files that Weinstein had access to, there is no guarantee that crucial documents were not missing, which might have shed light on one or another of the loose ends of the case.

A major question that Weinstein does not face is of a more fundamental nature than the points raised so far: Do the activities of Communists in the United States in the 1930s warrant the "espionage" description, with all that that connotes? Weinstein's slippery use of the term obscures, more than it clarifies, what Communists and their sympathizers were actually doing during the period. To describe, as Weinstein does, ferreting out industrial secrets and providing covers for individuals who would spy in Germany and Japan as "espionage" would seem to be misleading, to say the least. Moreover, even when it came to passing government documents, the type of "espionage" involved did not necessarily entail actions which were meant to, or which actually did, undermine national security; often, for instance, its purpose was to gather information on German and Japanese policy and intentions.

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How then are we to evaluate *Perjury*? It is, without a doubt, an ambitious and important study of the Hiss-Chambers case—indeed, the best work on the subject written to date. However, despite its very evident scholarly apparatus, *Perjury* would not have been importantly different even without access to the Hiss defense files and the FBI investigative files that were available to Weinstein. Hardly definitive, the book leaves unresolved some of the more troubling questions in the case. Accordingly, readers would do well not to rush to judgment. ❏

BOOKS AND PORTRAITS, by Virginia Woolf. Harcourt Brace Jovanovich, 221 pp., $10.00.

THE PARGITERS, by Virginia Woolf. Harcourt Brace Jovanovich, 167 pp., $4.95 paper.

A MARRIAGE OF TRUE MINDS: An Intimate Portrait of Leonard and Virginia Woolf, by George Spater and Ian Parsons. Harcourt Brace Jovanovich, 210 pp., $10.00.

The Bloomsbury flood

PETER STANSKY

A *SPLENDID BLOOMSBURY* document serves as the introduction to George Spater and Ian Parsons's study of Leonard and Virginia Woolf. Written by Quentin Bell, Virginia Woolf's nephew and biographer, it is amusing, instructive, perhaps slightly arch, sophisticated, leg-pulling (but not really). Bell remarks of the many studies of Virginia Woolf that have been appearing in ever increasing numbers: "These works are the by-products of what is, in the academic world, a growth industry, and have attained such a volume that, in the Preface to an exhibition [catalog] devoted to Bloomsbury, I was moved to make the following inquiry: 'Haven't you had enough?' "

The three books under review, and others like them, are evidence for the answer that Quentin Bell gives to his own rhetorical question: "No." Taken together, the three are a rather representative sample of Bloomsbury writings: a collection of essays, a previously unpublished manuscript rescued from the archives, and a biographical study. Admittedly, they add to what is by now a flood, but since Virginia Woolf is one of the best and most fascinating of twentieth-century writers, the more the better. After all, the reader can always choose not to read. It is true that one reader at least—a male reader, as it happens—has experienced a certain sense of unease and has been tempted to ask some subversive questions: To what degree is Woolf being brought to us in such quantities on the surge of feminism, and to what degree is that a misreading of what she wrote? Each of these three new volumes in some sense casts light on this issue. The prefeminist Woolf is, so to speak, present in the very early essays, collected in *Books and Portraits,* while a complex feminist Woolf is seen in the other two works.

In 1967, B. J. Kirkpatrick listed in the second edition of her bibliography of Virginia Woolf approximately 100 newly discovered pieces, many of them published anonymously in the *Times Literary Supplement.* Forty-five of them have now been reprinted in *Books and Portraits*, including the very first piece Woolf published in 1904 at the age of 22, nine months after her father's death, on Haworth, the home of the Brontës. It seems likely that the remainder will be allowed to languish, disturbed in their rest only by those few who will seek through the dust of libraries or strain their eyes with microfilm readers.

Woolf herself suggested some of the difficulty of discussing *Books and Portraits* in her remark about a collection of essays by Coventry Patmore: "Books of collected essays are always the hardest to read, because, collected though they may be, it is often only the binding that joins them together." Mary Lyon, the editor of the Woolf collection, opens the book with a group of general essays (ranging from 1905 to 1926) in which there is a more idiosyncratic and personal voice. These essays bristle with Woolf's awareness of the sexuality of language, and one understands why she means so much to today's feminists. She quotes Bathsheba from Hardy's *Far From the Madding Crowd:* "I have the feelings of a woman but I have only the language of men." And in the next essay, she quotes Coleridge: "A great mind must be androgynous." In a wonderful passage she mentions poetry as a "fine old potentate," presumably male, and the prose of novelists as a Queen, but a Queen who "had to do all the work of the house; to make the beds, dust the china, boil the kettle, sweep the floors. In return she has the priceless privilege of living with human beings."

Woolf inveighed against gentility when it was used to pull the claws of women writers.

The collection should be read in segments—a thousand words or so on books of a bygone day can become a little tedious in the repetition. The essays are grouped logically: English writers, American writers, poets, Russians, women writers, some miscellany; then the portraits, mostly women—Queen Elizabeth, Queen Adelaide, Lady Holland, Sarah Bernhardt, a splendid sketch of Lytton Strachey's mother; and then a rather odd, strongly male ending—reviews of biographies of John Delane, the great nineteenth-century editor of *The Times*, and of Theodore Roosevelt. Woolf was a workaday reviewer, critiquing an assortment of books with varying degrees of inspiration. The pieces are always worth reading, both for themselves and as guides to Woolf's own reading; but I would guess they were inspired more by the requests of editors than her own inclinations—a latter day version of her own early reading in her father's library.

Some themes do emerge, such as an inveighing against gentility, particularly when it is used as a way of pulling the claws of women writers. She wrote of women in the early nineteenth century, "For the first time for many ages the bent figure with the knobbed hands and the bleared eyes, who, in spite of the poets, is the true figure of womanhood, rose from her wash-tub, took a

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stroll out of doors, and went into the factory. That was the first painful step on the road to freedom." Even though these essays extend into the period when Virginia Woolf had become an established novelist, they primarily come from early in her career. They are interesting, and the product of a powerful mind, but, not surprisingly, in a minor key.

THE PARGITERS IS FAR LESS polished, but it is a fragment of a much later achievement, part of the quarry for her novel, *The Years*, the last work published in Virginia Woolf's lifetime. It is an early version, with commentary, of the first section of that work—"1880"—combined with a strong speech that Woolf gave to a group of professional women in 1931, and which in part acted as an inspiration for the novel. *The Pargiters* makes clear how central her feminism was to her, and how angry she was. The speech is a glorious tour de force, described by Vera Brittain as having that quality which is the most coveted ideal—it is "hilariously serious"—and from it several points emerge clearly. Woolf carries on from *A Room of One's Own* (1929) the idea of the necessity for the woman writer to slay the stereotype of the Angel in the House. She argues for the need of women to enter the professions—*not* accepting the styles and values set by men, but in their own ways, and with their own values. She also has a splendid slanging provoked by a favorable review by John Maynard Keynes of a history of Clare College, Cambridge. The college had spent £6000 on the book, which celebrated its foundation by Lady Clare, and Keynes had praised the effort as "worthy, but difficult, of imitation." Woolf cried out mockingly to the fellows of Clare College:

> O you old humbugs . . . . O you who have enjoyed for all these centuries comfort and prosperity—O you who profess devotion to the lady of Clare and love for the Sentiment of colleges, would it not be better to spend your six thousand pounds not upon a book, clothed in the finest dress of paper and buckram but upon a girl, whose dress allowance is very meagre, and who tried to do her work . . . in one cold gloomy ground floor bedroom which faces north and is overrun with mice.

This was a picture of Somerville, the college for women at Oxford; Woolf concludes that the fellows of Clare would have done much better to have given the £6000 to Girton, the women's college at Cambridge, than to have produced a book as a monument to the foundress of their own college.

The same paradoxical situation appears in *The Pargiters*, where Kitty Malone's father, the master of St. Katherine's, is busy writing a history of the college while his daughter hates Oxford and will only survive if she can get away. We see here that *The Years* originally consisted of alternating essays and chapters of fiction. These essay-chapters are fascinating as ways of seeing the novelist at work. They are rather difficult to read, however, since the editor, Mitchell A. Leaska (who also provides the book with an introduction), has used various sets of symbols in order to indicate deletions and additions of different kinds. One almost wishes that he had selected what he believed was the best text and run it without all the inelegant interruptions, but presumably that would not have been fair to the text.

This first section of *The Years* gives the sense of the wasted women, the Pargiter sisters, who are reduced to being decorative figures at home: studies in suppressed sexuality and lives. The problem has not ceased in the twentieth century. As Woolf said in her speech of 1931: "Many forms of experience are lacking to me because I am a woman." But a novelist is better able to cope with this situation than a critic, and that explains one reason she moved away from the reviews to be found in *Books and Portraits:* "The ignorant girl who used to sit scribbling reviews and now and again getting up to shy an inkpot at an angel, now sat and dreamt" as a preparation for becoming a novelist. In *The Pargiters* we first see the novelist at work.

THE WOMAN WHO WAS THE writer is clearly present in the concise biographical study of Virginia Woolf and her husband, Leonard, by Spater and Parsons. The authors have given us a useful straightforward account of the pair's lives, together with 140 photographs, many of which have never been published before. It is the lives without the art, and without the wealth of detail to be found in Quentin Bell's biography—and more schematic in its arrangement. The sections on Leonard are particularly valuable, providing a corrective to his own five fascinating volumes of autobiography. There are excellent accounts of the importance of the Cambridge Conversazione Society, more familiarly known as the Apostles; Leonard's career as a civil servant in Ceylon; and the history of Hogarth Press.

The book reflects Leonard's meticulous attention to financial details—it was Virginia's private income of £400 a year which kept them afloat, since Leonard did not take a regular job, and it was not until 1923 that they began to make money from their writings and from publishing. Virginia's medical expenses were high; they maintained

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both a London and a country home, even though the living in Sussex—Bloomsbury by the Sea—was often somewhat primitive. Leonard was the great custodian of Virginia's talent, and there is little doubt that without him she would have done less, and might well have killed herself before 1941. Theirs was a happy marriage, but contrary to Tolstoy's remark about happy families being all alike, it was of a different sort than most. Leonard emerges as a driving and highly sexed, and hence frustrated, man, while Virginia appears as frigid toward him, perhaps because of the early molestations by her stepbrother George Duckworth (the 10-year-old Rose's experience with an exhibitionist in *The Pargiters* may well reflect this) or because her great passion was reserved for Vita Sackville-West.

Leonard set out to marry Virginia—he and Lytton Strachey discussed the possibility while Lytton still was regretting his own impulsive proposal to her—and the authors point out that Virginia and Leonard, despite the fact that Leonard had been a close friend of her brother's at Cambridge, had probably only seen one another four times before he returned from Ceylon and very shortly thereafter proposed. According to the authors, the relationship mitigated Leonard's own insecurity, which was well protected by his arrogance, his inability ever to apologize, his "carapace." This interpretation may be a little too clever, for it is hard to believe that Leonard was a genuinely insecure man.

The authors characterize Virginia as immature in her intense need to be loved without feeling an obligation to return that love. It is not an unusual paradox for individuals to believe in the great importance of love but to be unable to practice it in their own lives. Nonetheless, there was a grandness in the Woolfs' lives—the artistic achievement—and there was enjoyment: Virginia's humor and her malicious sense of fun. There was also gauntness and high thinking, captured particularly well in the picture of two great elms—called "Leonard" and "Virginia"—at Monk's House in Sussex: during the winter they were without leaves, their branches touching one another. After Virginia's death, her ashes were placed at the foot of her tree, which two years later blew down in a storm.

The authors conclude that it was a happy marriage for both although, "It could have been happier than it was; not if Leonard had married someone else, but if Virginia had been other than she was." Leonard lived on for 28 more years, into a comparatively serene and happy old age; in 1966, he told a meeting of the Apostles of the euphoria he felt after 70. Politically active, and an interesting writer, he tried to make England a better place in which to live. He was a man on his own, but also a custodian of genius. For the rest of his life, Leonard preserved a note he wrote immediately after Virginia's death which reveals his character—its strength and his hardness upon himself—and the depth of feeling of which he was capable: "I know that V. will not come across the garden from the lodge, and yet I look in that direction for her. I know that she is drowned and yet I listen for her to come in at the door. I know that it is the last page and yet I turn it over. There is no limit to one's own stupidity and selfishness." ❏

A YOUNG MAN IN SEARCH OF LOVE, by Isaac Bashevis Singer, with drawings and paintings by Raphael Soyer. Doubleday, 177 pp., $12.95.

His own mensch

WILLIAM NOVAK

ISAAC BASHEVIS SINGER IS known and loved all over the world for his depictions of the Jews of Eastern Europe, a community obliterated by the Holocaust. But for all that he appears to be the most tradition-minded of contemporary novelists, Singer's greatest struggle as an artist, as he describes it in this latest volume of memoirs, was to break free of the now vanished tradition his works serve to perpetuate.

Born in 1904 into a deeply traditional Jewish family in Poland, Singer, as a boy coming of age in Warsaw, found himself caught between two worlds. On the one side stood his parents—the community's rabbi and his wife—who represented the continuation of the old culture, and the rigors of study and religious ritual. On the other stood Joshua, Singer's older brother, who became a famous writer long before Isaac, and who represented the realm of literature, worldliness, and freedom. Isaac Singer's struggle was to be able to follow in his brother's path without completely abandoning the traditions of his parents.

For a Jewish *yeshivah* student even to contemplate writing stories required a major change of worldview; while books were to be found everywhere in the Singer household, books inevitably meant *s'forim*—holy books, religious texts, and commentaries. Singer once told an interviewer that the first worldly book he ever read was a collection of Sherlock Holmes stories translated into Yiddish. As a boy of twelve, Singer spent a whole day pretending to be the famous detective, walking all over Warsaw in pursuit of a man whom the would-be Holmes had concluded was definitely suspicious.

The Sherlock Holmes anecdote has literary implications as well; the boy who read these tales would become a writer interested almost exclusively in character, plot, and adventure, with little patience for prolonged discussions of philosophy or politics. This was an early and conscious decision on Singer's part; as the Yiddish translator of Thomas Mann's *The Magic Mountain*, he resolved to write *his* books very differently. These "novels of ideas," he decided, "were for critics, not readers. They bored me, but I was afraid to say so since all so-called aesthetes had seized upon them as if they were treasures."

Unfortunately, as Singer describes it in this book, the Yiddish literary environment in Warsaw and beyond offered few attractive models for the young writer. The Yiddish novelists of the day limited themselves to sentimental stories with parochial themes. But while Singer rejected this tradition, as well as the religious world of his parents, he had no real desire to escape the confines of Polish Jewry. Instead, he concentrated on the more dramatic episodes of Jewish history—forced conversions, false messiahs, excommunications, and the like—and, on the contemporary and often overlooked Jewish underworld with its cast of pimps, prostitutes, preachers, freaks, and charlatans.

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Such a break, however, was no easy matter, for even the most liberated Yiddish writers and their readers remained inherently conservative when it came to the subject matter. Singer submitted one of his first efforts to a literary magazine whose editor insisted that the story was too negative, too pessimistic, and virtually anti-Semitic. "If such a thing were translated into Polish and a gentile read it," the editor complained, "he might conclude that all Jews were depraved." Then, as now, it was generally accepted that the role of the Jewish writer, whatever his personal commitment, was to serve as a kind of publicist for the rest of the community; in our own time, Philip Roth and others have been victims of a similar prejudice.

BY HIS EARLY TWENTIES, Singer was living on his own in Warsaw, working as a proofreader for a Yiddish magazine, and writing stories on his own time and in his own way. *A Young Man in Search of Love,* as its title would suggest, is not only about the literary career of the young writer, but also his personal life—although the two cannot really be separated. Despite his great shyness, he finds himself involved with Gina, a mistress twice his age, and attracting the attention of a bevy of young women.

As his readers know, Singer has always revealed a great fondness for ladies, and he apparently cut quite a romantic figure in the Warsaw of the 1920s. He writes that as a young man, he fantasized about writing a novel in which the hero was simultaneously in love with several women—a project which was realized almost half a century later, in 1972, with the publication of *Enemies, A Love Story.* In fact, the connection between Singer's life and his art is so strong that it makes little sense to treat *A Young Man in Search of Love* as something separate from his fiction. It is, after all, full of the same elements that have made his novels and stories so popular: a deep concern with tradition and history, and a fascination with unusual characters who seem to wear both their passions and their philosophies of life on their sleeve.

In these pages, Singer describes some of the people and vignettes from his early life, leaving little doubt about the source of most of his later work. There is the relationship with the pathetic and maternal Gina, jealous and dramatic in her love; and, on another level, his relationship with Joshua, who was made Warsaw correspondent for the New York Yiddish daily, *The Forward,* earning the handsome sum of fifty dollars a week. But most of all, the book is about the struggle of the young man, who used to be known only as "Singer's brother," to establish his own identity, both personally and professionally. Part of that process, which has left an indelible mark on Singer's writing, was his decision to "reappraise all values." Was Shakespeare really a genius? Were the Yiddish writers really as great as their followers wanted them to be? Would Palestine really solve the Jewish Problem?

This reappraisal of values is part of Singer's overall and deep pessimism about the human condition, which, hand in hand with his healthy comic gifts, makes him so fascinating a writer. He is, of course, hardly the only writer of our time to pose hard questions, but he stands out, among other reasons, for refusing to find easy answers in the ideological systems of his day. As a young man, Singer was part of a Jewish community which was seething with arguments and polemics (once the gates of enlightenment had been thrown open, the ghetto would never be the same), as Zionists, Yiddishists, the Orthodox, the Hasidim, the assimilationists, and the revolutionaries all pressed forward with their own solutions.

Singer adamantly resisted all of these systems; he became a loner and a pessimist in the face of all those around him who saw a better tomorrow through Zionism, socialism, or revolution. Such people Singer found hypocritical; he decided to become a vegetarian and a teller of tales, avoiding literary struggles and opportunities for literary power, while at the same time resisting the appeals of bohemian life. Everything was a struggle and a paradox; for instance, he loved women, but couldn't get married. "I lusted after women," he writes, "yet at the same time I saw their faults, chief of which was that they were amazingly like me—just as lecherous, deceitful, egotistical, and eager for adventure."

It was his eroticism, as much as anything else, that fueled his literary ambitions. Yet Singer has always shied away from explicit sexual writing, preferring instead to acknowledge a more general—and spiritually based—erotic impulse at work in the world, and to fuse, wherever he could, a particular expression of desire into the general pattern of the cosmos. "Our love commenced when we were still amoebas," he tells Gina at one point. "We were fish in the sea, birds in the air, moles in the ground. We kneaded clay into bricks in Egypt. We stood at Mount Sinai together."

This is a fascinating and moving story, told in a handsomely produced book. The illustrations by Raphael Soyer are outstanding and appropriate, both a complement and a compliment to the text. *A Young Man in Search of Love* should delight readers of Isaac Bashevis Singer, as well as anybody who might want to understand the early development of a major writer—as told by the author. ❏

***THE PUNISHED PEOPLES,* by Aleksandr M. Nekrich. W. W. Norton, 238 pp., $10.95.**

Blocking the memory hole

ROBERT CONQUEST

ALEKSANDR NEKRICH IS A historian. He is also a central figure in a major Soviet scandal, and thus himself a living lesson in the great issues of truth and falsification. Thinking minds of every type eventually get into trouble in the Soviet Union. Dr. Nekrich's confrontation with the authorities is particularly interesting and illustrative since, as a professional historian, he had the impertinence to turn his hand to modern themes. Now, the single area which the Soviet rulers least like to have researched and written about is, of course, the record of their own regime.

In Moscow in 1965, Nekrich published his book, *June 22, 1941,* an account of the start of the German invasion. From his investigation it was clear that Stalin and his closest subordinates had made enormous political and military miscalculations, had refused to listen to evidence showing this, and—when the invasion actually took place—had fallen into something like panic. The book was condemned, re-

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moved from libraries, and destroyed. Nekrich was expelled from the Party, and a large-scale row shook the Institute of History, which at one point was totally dissolved.

It was, of course, due only to what remained of the Khrushchevian "thaw" that Nekrich was able to accomplish his research and publish *June 22, 1941* at all. But even then there were vast areas of Soviet history which could not be referred to. The extent to which falsehood and suppression prevail and major truths are denied or ignored in the USSR is astonishing to the Western mind. But there is more to it than that. Those who cover up the crimes and follies of Stalinism are telling us a great deal not only about the past, but also about themselves and the way they look at the world in 1978, for they ostentatiously identify themselves with the frightful past that produced them. Until they publicly purge themselves and their Party of this guilt and let truth be told, they remain not only Stalin's heirs but his accomplices.

The almost unanimous revulsion of Soviet historians—the absolutely unanimous revulsion of all genuine Soviet historians—against the reimposition of total falsification produced tactical problems for the Party apparat. In the end, although in disgrace, Nekrich retained his salary as the equivalent of a full professor and was allowed a quota of one article a year in an academic magazine of limited circulation.

Nevertheless, he managed to write his present book while he was still in the Soviet Union, and the manuscript was sent out before the author himself came West in 1976. The book deals with one of the most extraordinary of the Stalinist monstrosities, and one of which nothing may be said in the Soviet Union: the deportation en masse, with enormous casualities, of eight whole peoples, men, women, and children, numbering over a million and a half souls.

For a Soviet historian today, it is better to be in the West. It is true that here he does not have access to a great deal of documentary material; but even apart from crucial documents permanently under lock and key, the historian there who has once given a true account of something is thereafter barred from even the minimum materials necessary to his profession. On the other hand, Westerners who have written on modern Soviet history have the disadvantage of never having had access to such material (although there is material in the West that is practically unknown even to serious Soviet students). But above all, Western historians inevitably lack the background of years of professional conversations, firsthand experience, and so on, of their Soviet counterparts. In the future, Nekrich will be in a position to enjoy the advantages of his new milieu, while retaining the benefits of his old one.

Meanwhile, if his present book has (for us) a fault, it is the feeling it gives of being written for a Soviet audience. Thus, the author goes to some length to try to demonstrate that the deported peoples did not deserve their fate because they were innocent of anti-Soviet feeling. Admittedly, he is not rigid about this, conceding that the Kalmyks and the Chechens, for instance, were generally less well disposed to the Stalin regime than were the Tatars. But to be anti-Soviet after years of repression is not in the least reprehensible. The extent of the disaffection is not easy to determine; but at any rate, the official documents of different periods, alternately showing deep devotion and mass treason, are not in themselves to be trusted.

SURPRISINGLY LITTLE HAS appeared in the West about the whole ghastly episode. Solzhenitsyn has a chapter on it in the last volume of the *Gulag Archipelago,* and there have been a few other short descriptions. But the only books prior to Nekrich's, as far as I know, are my own. Nekrich pays most generous tribute to my work; however, while in the USSR, he was in a position to use only the first (*The Soviet Deportation of Nationalities,* published in 1960). He did not have access to the later and more complete book, *The Nation Killers* (1970). There is a discussion in it, for example, of the confidential police documents, made public by General Grigorenko, about the Crimean Tatar death rate, leading to rather different conclusions from Nekrich's—conclusions also reached, later still, by the underground *Chronicle of Current Events* (number 31).

There is certainly room for more than one book on this astonishingly neglected subject, and Nekrich adds a great amount of detail to our previous knowledge. He was himself in the Crimea in May 1944 when the Tatars were deported, and he quotes many conversations with locals in addition to his documentary material.

The facts Nekrich has to tell are as significant as the falsehoods he exposes. In 1941, the 400,000-odd Volga Germans were deported to Central Asia, charged with harboring Nazi agents. Their "autonomous republic" was suppressed, and their name and heritage disappeared from the official record. In 1943, they were followed by the 130,000 Kalmyks, an ancient Mongol and Buddhist race of the steppe, and the 75,000 Turkic Karachai of the Caucasus. In 1944, more Caucasian nations followed—the 40,000 Turkic Balkars, and the peoples who had inhabited the area from prehistoric times, the 400,000 Chechens and the 90,000 Ingushi; after them went the formerly great Islamic nation of the 240,000 Crimean Tatars. All of them were charged with collaboration with the Germans. They disappeared into the category of un-nations, and their lands were taken by Russians. At the end of the year the Muslim inhabitants of the Turkish frontier, the groups known as Meskhetian, were similarly deported, to the number of 200,000, without any specific reason being given. After the war, all the Greeks of the Black Sea region were also taken.

Such are the bare bones of the story, which at first could only be deduced from a couple of public decrees and some unexplained changes in the maps and textbooks. In each area, the flesh and blood of human suffering, of which Nekrich gives some shattering examples, began when thousands of police troops, supposedly present for maneuvers, invaded the villages and gave the inhabitants a few hours to assemble for deportation. The deportees were allowed less than 30 pounds of baggage, the rest of their property being forfeit. They were loaded aboard fleets of Lend-Lease Studebakers and taken to the railhead. There they were packed into cattle trucks under appalling conditions—some trains arrived after the 5–6 week journey carrying no survivors at all. And this diversion of troops, concentration of trucks, and movement of trains took place at a time when every effort was needed at the front; Nekrich tells us that the mere diversion of rolling stock amounted to 40,200 freight cars! When the refugees reached the deportation areas, they found desolation, an absence of even rudimentary housing, starvation rations. They died by the hundreds of thousands, men, women, and children.

After 1956, these peoples were gradually rehabilitated, and now all but the Crimean Tatars, the Volga Germans, and the Meskhetians have

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been allowed to return to their homelands. But even the favored returnees do not seem grateful: the Chechens regularly blow up the statue of the Russian general who subdued them. And Nekrich tells a horrifying tale of a Russian anti-Ingush race riot in 1958 in Grozny, which lasted four days. In 1973, the Ingushi in turn demonstrated massively against continued repression. As for the three unreturned nations, their mass movement has attracted world attention. The plight of the Crimeans in particular is, objectively speaking, one of the most crying colonialist scandals in the world today. But Moscow remains obdurate.

This was only one episode in Stalin's Holocaust; probably no more than half a million died in it. But Stalinism as a whole still gets remarkably little attention here compared with Hitlerism. Which is odd when you consider that the former still lives. ❑

THE PRIVATE SECTOR: Rent-a-Cops, Private Spies, and the Police-Industrial Complex, by George O'Toole. W.W. Norton, 250 pp., $10.95.

The business of security

ROBERT POOLE

THERE ARE NEARLY AS MANY private guards, detectives, and burglar alarm salesmen in America as there are police working for various levels of government. Expenditures on private security have reached $5 billion a year and are growing at 10–15 percent annually. Many ex-FBI agents have found new jobs running corporate security departments.

None of this is particularly "revealing and startling," as *Publishers Weekly* claims of this book. But that doesn't stop author George O'Toole from thinking the worst. "There are one million policemen in America and only half of them are sworn to uphold the law," the book jacket blurb warns darkly. "The others, though they are often mistaken for 'real' police officers, are hired by private interests to protect private interests." This "shadow army of private cops . . . comprises a little-known, but powerful and potentially dangerous, American subculture."

O'Toole, in short, has set out to demonstrate that there is a new threat to American liberties: the collection of guard services, security departments, and alarm companies he calls "the private sector." By shining a spotlight on this "little-known" phenomenon, O'Toole hopes to alert us to its dangers and, presumably, to win our support for putting police work back where it belongs—in the hands of the state.

Questions of interpretation aside, O'Toole has provided a valuable service in documenting the scope and complexity of the private security industry. Chapter by chapter, he describes private guard services (including giant Pinkerton's, Burns, and Wackenhut), corporate security departments, the special case of telephone company security forces, the wiretapping-bugging business, private eyes, security-oriented organizations (like the Society of Former Special Agents of the FBI), private data banks, and security equipment suppliers. In each case he enlivens the narrative with interesting anecdotes and case histories. Also included are short courses in wiretapping, bugging, lock picking, and defeating alarm systems.

By and large, O'Toole's information is accurate, his technical descriptions correct, and his knowledge of the field comprehensive. This general competence makes it all the more disconcerting when the book occasionally lapses into sloppiness—with misspellings ("Solidad" for Soledad, "Laetril" for Laetrile, "pouring over" for poring over) and an irritating imprecision about the size of the private sector. In the introduction O'Toole puts the number of private police at half a million, but in Chapter 1 he concedes that "most estimates range between a quarter and a half million." Then, however, he makes the flat assertion that, "one thing is certain: there are as many or more private cops as there are sworn officers." How this can be *certain* when the number of private cops can be anywhere between 250,000 and 500,000, and the number of public cops was 625,000 in 1975, is difficult to fathom.

But never mind. There are more important worries. For once O'Toole begins to delve into his subject, his newly discovered menace begins to look less and less new and less and less menacing. To begin with, O'Toole himself recounts in some detail the long history of the private security sector. Pinkerton's, the first private detective agency, came into being in 1850—barely six years after the first city police force was established (in New York City in 1844). Prior to that time, believe it or not, protecting life and property was a do-it-yourself affair. It was Pinkerton's, not the FBI, that developed the first nationwide criminal records system in 1897, in a cooperative venture with the International Association of Chiefs of Police. It was not until 1924 that this system was turned over to the FBI, eventually to become today's National Crime Information Center (NCIC). Thus, far from being a sudden or recent development, private security has grown up parallel to law enforcement handled through the public sector.

Although he tries hard, most of the dangers that O'Toole finds aren't cases of the private sector run amok, but rather of collaboration between police and private organizations.

*WHEN IT COMES TO DAN*gers, O'Toole tries hard, but he can't seem to come up with very much. And most of what he does find involves not the private sector run amok but *collaboration* between police departments and private organizations. One of his strongest cases is the Law Enforcement Intelligence Unit (LEIU)—an organization composed of the intelligence officers of member police departments. LEIU's purpose is to facilitate the exchange of dossiers on organized crime and "subversives." The facts are (1) LEIU members are all government employees; (2) the data making up the dossiers are all collected on government time using government resources; (3) the coordinating entity for the system is an agency of the state of California; and (4) LEIU received a

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$1.3 million grant from the federal government to develop a computerized index. Despite this, LEIU has apparently gotten away with being classed as a private organization, and, therefore, is beyond the reach of the federal security and privacy laws that govern criminal justice data systems. This is a loophole that needs correcting—but it is hardly an indictment, as O'Toole would have it, of the *private* security industry.

A number of other outrages turn out to have similarly tainted origins. O'Toole devotes an entire chapter to the activities of telephone company security forces—some of it legitimate monitoring of their lines to detect theft of service by "phone phreaks." But other telco transgressions turn out to involve overzealous cooperation with —you guessed it—your friendly local police force. Many phone companies routinely give out unlisted numbers and toll records to the police, the FBI, the IRS, and nearly any other government agency that asks, without benefit of a court order. And telco employees are persuaded by local police to place illegal wiretaps on the lines of persons against whom no "probable cause" has been established. To be sure, the phone companies are not blameless in such actions, but to see the problem as a failure of "the private sector" is a bit like denouncing only the corporation that makes an overseas bribe and not the government official who demands it.

O'Toole devotes another chapter to recounting how politicians use private detective agencies to spy on and harass their opponents. Once again, this tells us at least as much about our noble public servants as it does about the evil private sector. Another chapter covers private data banks and dossier operators and illustrates the possibilities of abuse due to inclusion of erroneous or misleading information in the files. Yet as O'Toole later points out, "much of [this] activity . . . is, after all, protected by the right of free speech and other constitutional guarantees." Protection against misuse of such data banks can be found, to a degree, in libel and slander laws—and in the simple expedient of relying on more than just data banks in making decisions about people.

Occasionally O'Toole runs out of facts. Rather than move on to a new topic, he has a tendency to fill up additional pages with speculations or to toss in a few red herrings. Thus in Chapter 7 he quotes an ex-Des Moines cop as reporting "scuttlebutt" that "a federal government employee who was somehow involved with LEIU" might have been employed by the CIA. In Chapter 8 he asks, "Are there hidden passageways linking the credit bureaus, the corporate security departments, the private detective agencies, and the political dossier services with government intelligence agencies, police red squads, and organizations like the LEIU?" "Undoubtedly," he replies, "the answer is yes." But he gives no specifics, relying on the reader's fevered imagination to supply the details. In a chapter devoted to old-boy networks like LEIU and the Society of Former Special Agents of the FBI, he abruptly shifts gears and devotes the final pages to the right-wing vigilante *posse comitatus* groups that have sprung up in the West over the past few years. Elsewhere, he casually drops in a mention of Latin American "death squads" composed of off-duty police officers—again, with no connection to anything else in the text.

The sad fact is that government is no better at preventing crime or catching criminals than it is at delivering the mail.

ULTIMATELY, O'TOOLE'S objection seems to boil down to one of form rather than substance. He wants to portray the private sector in a bad light because (as he sees it) it's just not *right* for private interests to be usurping the public sector's role. Deputization of private guards, he writes, "should be reserved for those rare situations in which there are not enough sworn officers to deal with some unexpected law enforcement crisis." Yet, as he takes pains to point out, it is not "rare situations" when there aren't enough cops. "Our criminal justice system has ceased to work," he tells us (Chapter 12). And, "The Private Sector is flourishing because the public criminal justice system isn't working any more. . . ." (Chapter 7).

Although he recognizes this reality, O'Toole doesn't want the private sector to take up the slack. "It could be argued that private industry *should* pay for its own protection, but the cost of rent-a-cops ultimately comes out of the public's pockets anyway in the form of higher prices." (Here O'Toole's analysis rests on the common economic fallacy that costs of production are always "passed on to the consumer," which, if true, would mean that no firm would ever try to cut costs.) Thus, apparently, the special—and expensive—needs of protecting industry are to be provided by the public sector. One company which agreed with this philosophy was Honeywell, Inc. In 1970, the company persuaded the FBI to lend it considerable assistance in obtaining information about anti-Honeywell demonstrators. "The arrangement amounted to employing the FBI as an extension of Honeywell's private police force," writes O'Toole with barely concealed distaste. He obviously feels uncomfortable with "this cozy arrangement" by which the taxpayers subsidized the security effort of a private firm.

But O'Toole can't have it both ways. The particular, specialized needs of private firms can be met either by the public sector police force or by private sector forces. In the first case, the taxpayers are providing a subsidy to special interests; in the second, according to him, the public pays indirectly in the form of increased product prices. Given his argument, there is no other alternative.

In his final chapter, O'Toole concludes that the underlying problem is a widespread lack of respect for the law. This, he says, has led to insufficient funding for the criminal justice system, which in turn has led to increased crime and, therefore, the growth of the private security sector. But O'Toole misses the point. Local government spending on police soared 134 percent in just eight years (from 1967–1968 to 1974–1975). On top of that, the Law Enforcement Assistance Administration, in its first nine years of existence, has thrown $5.5 billion at crime. Yet the public sector is failing *despite* these massive inputs. The sad fact is that government is no more efficient at preventing crime or at catching criminals than it is at delivering the mail. *That* is why companies, neighborhood groups, and individuals are spending increasing sums on locks, alarm systems, private patrols, guards, undercover agents, and all the other elements that make up the "private sector."

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FILM

***THE LAST WALTZ,* directed by Martin Scorsese.**

***I WANNA HOLD YOUR HAND,* directed by Robert Zemeckis.**

***FM,* directed by John A. Alonzo.**

Cold platters

STEPHEN HARVEY

FOR ALL THE TALK ABOUT the screen's current preoccupations with sci-fi, liberated women, Vietnam, and blue-collar unrest, the most rampaging trend right now seems destined to turn every second movie house into a seventies, big-screen equivalent of Scopitone. Already Hollywood has celebrated the fifties' tops of the pops with *American Hot Wax*; now audiences are being summoned to relive Beatlemania *(I Wanna Hold Your Hand)*, mourn the passage of the sixties *(The Last Waltz)*, and catch the mellow vibes of Linda Ronstadt and other current favorites *(FM)*. Some capricious computer must have persuaded Hollywood that all these celluloid juke boxes would lure the multitudes of pop-music lovers away from their headsets and into the theaters. If so, judging from the tepid box-office response thus far accorded *American Hot Wax, FM,* and *I Wanna Hold Your Hand*, it was apparently the same electronic marvel that once concluded the world craved such gems as *Gable and Lombard* and *W. C. Fields and Me.*

Essentially, the dilemma these movies face commercially lies in the fact that they're superfluous to their natural audience and irrelevant to everyone else. Those responsible for *The Last Waltz* seem to have recognized the problem, and responded by touting the movie as an event whose significance transcends that of a mere filmed rock concert, all evidence to the contrary notwithstanding. The press releases for the film claim that this farewell concert by The Band constituted no less than the third and final signpost of the sixties counterculture (after Woodstock and Altamont), and that *The Last Waltz* deals with the death of a *Zeitgeist*.

On this level, all but The Band's most diehard devotees are likely to remain unmoved. The concert footage is intercut with interviews with the performers, presumably for added depth, but most of what they have to say is pretty vaporous, while their laments on the rigors of life on the road could just as easily have been applied to such earlier vanished institutions as vaudeville or the big bands.

At the same time, while the film tries to generate an air of poignant celebration of a sweeter past, it can't help betraying certain sixties quirks which we would all be better off without. Considering what a closed male fraternity rock music was in the last decade, it's no

JAY KINNEY

wonder that Joni Mitchell is the only woman granted a solo turn at the farewell concert; the cock-of-the-walk camaraderie onstage and the offstage sniggers about nonstop, nubile groupies tend to get a little cloying for anyone who was never a member of the club, or who's long since outgrown it. Moreover, it seems obvious enough that while The Band was certainly one of the gutsiest groups of its time, the parting of the Beatles sealed the end of an era much more definitively.

Once it gets past its pretensions to higher things, *The Last Waltz* is a better than average example of an inherently limited genre of moviemaking. A remarkable number of rock's aristocrats took part in the concert—Bob Dylan, Van Morrison, Eric Clapton, and Neil Young, to name only the most prominent—and most have been captured near the peak of their form. Martin Scorsese has filmed each of their respective sets with all the visual grace customary in his fiction movies; *The Last Waltz* abounds with evocative close-ups of these performers and velvety tracking shots through the space they inhabit. Certain sequences—the one involving that rhapsodic gospel group, The Staples, in particular—create a visual cadence that compliments and builds on the rhythmic drive of the music itself.

Yet like all its predecessors dating back at least as far as *Woodstock, The Last Waltz* can never overcome the simple fact that it's only a filmed record of an event which was created for a different medium entirely. The main appeal of live rock concerts is in their immediacy and the spontaneous communion which can arise between performer and audience. But this is something which is inevitably diluted on film by the one-dimensionality of the image, however magnified, the canned nature of the sound, however sharp and stereophonic, and the passivity of the average movie audience. Meanwhile, the musicians themselves are understandably too concerned with directing their energies at their live spectators, via the microphone, to really connect with the camera, which of necessity remains at best a kind of unobtrusive bystander. No matter how artfully it's been fabricated, a movie like *The Last Waltz* is just a second-hand memento, meaningful only to those who can bring to it some first-hand associations of their own.

I WANNA HOLD YOUR HAND suffers from something far more exasperating—namely, the assumption that its intended audience has nothing but an echo chamber where its brain ought to be. Its basic premise—the hysteria that gripped teenage America when the Beatles stormed these shores in 1964—could well have been a promising one for satire, had it only been tackled with a glimmer of originality. Instead, Robert Zemeckis, who directed the film and wrote it with Bob Gale, has made a film as clutzy as its pubescent protagonists, without possessing their saving grace of innocence. Although Gale and Zemeck-

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Essentially, the commercial dilemma faced by films such as these is that they are superfluous to their natural audiences and irrelevant to everyone else.

is constantly poke fun at the swooning excesses of these assorted Beatlemaniacs, they themselves will do anything for a cheap and calculated guffaw. Worse yet, they seem to have the impression that if anything works once, it will be that much more uproarious the seventh time it's repeated. Practically every episode concludes with a pratfall, a kick in the derrière, or an auto collision with some handy brick wall or garbage can. Perhaps they've paced the film so frenetically out of a justifiable fear that should things slow down even for a moment everyone might start noticing that the plot could, at best, sustain a half-hour sitcom pilot, or that the ostensible New York locales bear a remarkable resemblance to downtown Encino. (Compared to this, *American Hot Wax* is practically *cinéma vérité*.)

As the assorted teenagers willing to take any demented means to gain access to their idols, the cast of young unknowns is also sabotaged by Zemeckis's belief that playing farce means frantically signaling the intention to be funny to the ever-obtuse viewer. All the performers, especially the brisk, angular Theresa Saldana and a pulsating butterball named Wendie Jo Sperber, show a potential gift for comedy, but their work is pitched at a level that makes "Laverne and Shirley" look like Congreve.

While *I Wanna Hold Your Hand* is appallingly consistent from opening credits to final fadeout, *FM* is a schizoid job on all counts. Rather reminiscent of last year's underrated *Between the Lines*, its story is certainly contemporary enough, focusing on the struggle between freewheeling integrity and mercenary compromise at a chaotic radio station. Yet the sensibility with which it unfolds is flower-power-anachronistic, replete with caricatured japes at the piggish Armed Forces and a climactic sit-in-cum riot which would have been right at home in *The Strawberry Statement*.

Although this uncertainty of purpose is built into the script, it's mirrored just as clearly in John A. Alonzo's directing. Heretofore a distinguished cinematographer, Alonzo has an eye for detail that's as smoothly stylish as ever; as his camera ambles through the zany confines of QSKY, the rock station milieu is recreated about as persuasively as one could hope. If anything, the sound of the movie has been even more skillfully orchestrated, the nonstop chartbusters providing an all-pervasive background to the action without ever overwhelming it. Certain sequences have been staged with considerable cleverness, notably a Lubitsch-esque pantomimed vignette in which ever resourceful station manager Michael Brandon revivifies the collapsed ego of lovelorn deejay Martin Mull; yet Alonzo hasn't acquired the expertise at this point to camouflage the gaping holes in the scenario. Early on, *FM* lavishes considerable time on a declining record spinner played by Alex Karras, then peremptorily drops him for the remainder of the film; at its midpoint, just when the momentum of the plot should be building for the finish, everything halts in its tracks for an overlong, if elegantly shot, rock turn by Linda Ronstadt.

The performances are likewise uneven; Mull is simultaneously touching and ludicrous as the randy narcissist too professionally inept even to make the grade as a TV game show emcee, while Cassie Yates somehow makes something fresh and disarming out of the nearly invisible role of Brandon's sometime girlfriend and swing-shift deejay. At the same time, as the jaded *femme fatale* of the air waves, Eileen Brennan overworks her Pekingese pout whenever the camera veers in her direction. However, Alonzo's inexperience really shows whenever the plot forces him to strive for effects involving lots of people at once—the culminating free-for-all explodes with all the spontaneity of a Rockettes routine.

To give Alonzo credit, I doubt that anyone could have pulled off that riot scene, since it reveals all too clearly that *FM* epitomizes precisely that which it pretends to debunk from first to last. After coming out foursquare against the artistic dilution that results from an excessive love of lucre, *FM* resolves everything with an upbeat flourish—idealism triumphs intact, crass Mammon retreats with barely a whimper. It's obvious that no one involved believes any of this for a second—their real motivation is to rake in all those extra shekels supposedly guaranteed by a happy send-off such as this. It's no surprise then that, in spite of everything, *FM* ends up being strictly on an AM wavelength. ❑

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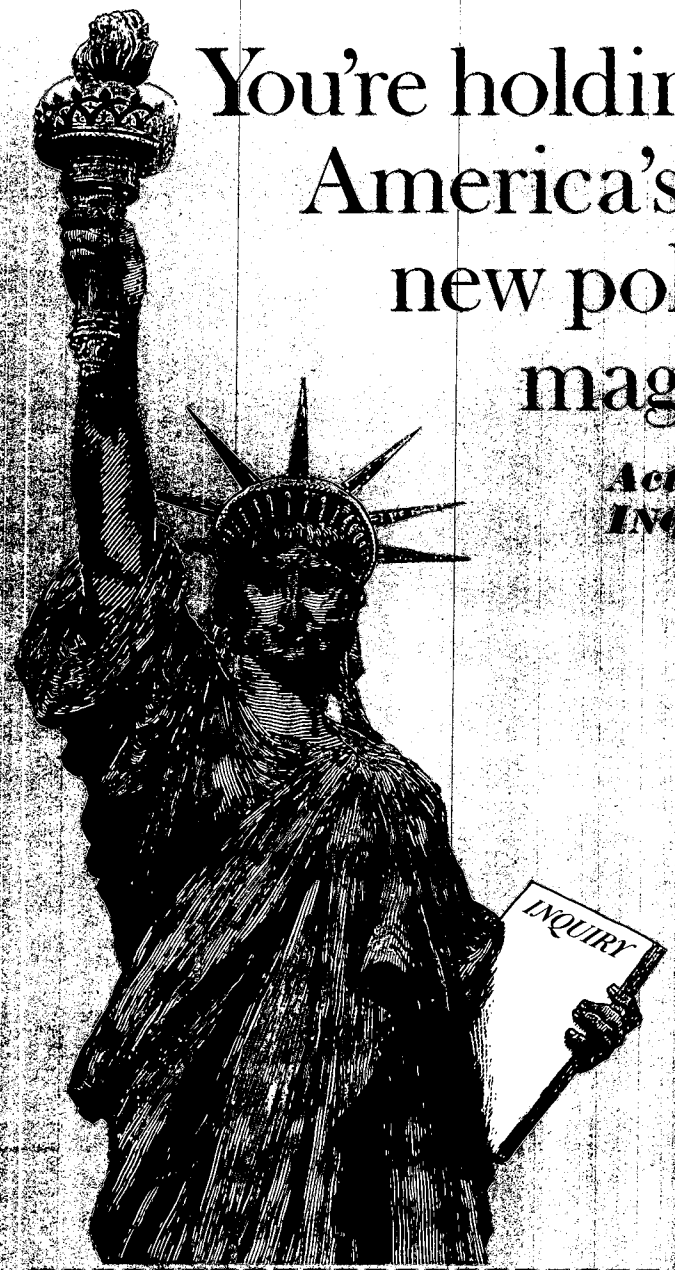

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